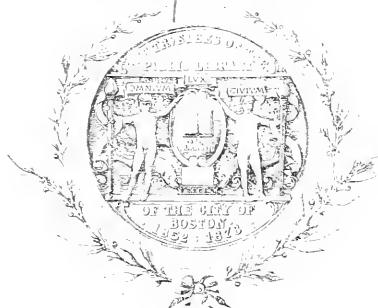


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**1947**

**LEGISLATION ON  
JUVENILE COURTS  
IN  
FOREIGN COUNTRIES**

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**FEDERAL SECURITY AGENCY • SOCIAL SECURITY ADMINISTRATION • U.S. CHILDREN'S BUREAU**



LEGISLATION ON JUVENILE COURTS IN FOREIGN COUNTRIES

by

Anna Kalet Smith

FEDERAL SECURITY AGENCY  
Social Security Administration  
Children's Bureau  
Washington 25, D. C.

1947

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U.S. Bureau of Census, Bureau of Statistics  
Dec 20 1947

GEOGRAPHIC LOCATION OF COUNTRIES WITH LAWS ON JUVENILE COURTS

EUROPE

Austria  
Baltic States  
Belgium  
Bulgaria  
Czechoslovakia  
Denmark  
Finland  
France  
Germany  
Great Britain  
Greece  
Hungary  
Ireland  
Italy  
Luxemburg  
Netherlands  
Northern Ireland  
Norway  
Poland  
Portugal  
Rumania  
Soviet Union  
Spain  
Sweden  
Switzerland  
Turkey  
Yugoslavia

NORTH AMERICA

Canada  
Mexico  
Newfoundland

CENTRAL AMERICA AND WEST INDIES

Dominican Republic  
French Colonies  
Guatemala  
Trinidad and Tobago

SOUTH AMERICA

Argentina  
Brazil  
Chile  
Colombia  
Ecuador  
Guiana, British  
Peru  
Uruguay  
Venezuela

AUSTRALIA

New South Wales  
Queensland  
South Australia  
Tasmania  
Victoria  
Western Australia  
  
New Zealand

ASIA

Ceylon  
Hong Kong  
India  
Indo-China, French  
Japan  
Palestine

AFRICA

Egypt  
French Colonies  
Gold Coast  
South Africa, Union of  
Tanganyika Territory



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## FOREWORD

In response to the widespread interest in juvenile courts the present report aims to give information on the extent of legislation on such courts outside the United States. The report consists of summaries of laws on juvenile courts and on procedures similar to those of juvenile courts in each country wherever they are known to exist. These summaries have been prepared in nearly all cases from the original laws of the country or other territorial unit.

With the limited material available in Washington, D. C., it has been impossible to discuss the administration of the laws; nor has any attempt been made to evaluate them.

## LEGISLATION ON JUVENILE COURTS IN FOREIGN COUNTRIES

### INTRODUCTION

The idea of the juvenile court with its understanding treatment of the young offender developed gradually in the course of the past century. The first real juvenile court in the world was created in Chicago, after a law for that purpose had been passed by the State of Illinois in 1899. Other States followed, and before long the movement spread to Europe and other continents. In Europe juvenile court legislation was enacted in England in 1908, and soon afterwards in other countries. In the Scandinavian countries there are no juvenile courts proper, but the cases of young offenders are often referred by the regular courts to specified child-welfare agencies which give them the individual attention intended under the juvenile court laws. Commissions on children were operating for some time in the Soviet Union, but they were abolished in 1935. Since then jurisdiction in cases of juvenile delinquency has been transferred to the regular courts, or to separate sections of such courts, and efforts have been made to adapt the procedure to the needs of children and youth. At present legislation on juvenile courts or similar procedures is in force in virtually all countries of Europe, with the possible exception of Albania and Iceland. No information seems to be available for these two countries.

Of the republics south of the United States, Argentina was the first to introduce a special procedure for dealing with young offenders. This was done by a law of 1919, which applied to the capital Buenos Aires and to the National Territories; since then juvenile court laws have been enacted in some of Argentina's provinces and in at least 11 of the other 20 American republics. Laws on juvenile courts are also in operation in

all British Dominions, in some British and French colonies and possessions and in other parts of Asia and Africa.

The juvenile-court laws in the various countries, despite their many differences, have in common several fundamental principles. The laws are generally based on the concept that the young offender is a victim of circumstances. Therefore, instead of being punished, he should receive special protection and care such as is given to a child in need of attention for other reasons. For this reason, familiarity with child-welfare problems is considered in many countries an essential qualification of a juvenile court judge.

Besides young offenders, the jurisdiction of the juvenile courts in many countries extends to children who present behavior problems without being offenders against the law and those who are neglected or homeless.

An age limit is always given for the children to be treated by juvenile-court methods; it is 16 years in some countries of Europe and America, and 18 years in others, and 16 years in some of the British Dominions and colonies.

Informal private hearings are the general rule. All persons not directly connected with a case are excluded from the hearings, unless permission to attend is given by the court. In line with the guiding idea of the juvenile court, the judge--instead of limiting himself to the question whether or not the child has committed an offense--is expected to ascertain what should be done to help the child. To this end, the juvenile-court laws usually require an investigation of the child's history and his environment. Sometimes a physical and mental examination is required also. For these investigations the use of

probation officers is required in many countries.

In deciding on a case the judge is instructed by law to have regard for the child's welfare and, whenever possible, instead of imposing a penalty, to order measures for the improvement of his education and general condition. When penalties are considered necessary, they are invariably milder than those prescribed for adults guilty of similar offenses. Separation of the young offender from adults is always prescribed in the laws both during the detention prior to the hearing of his case and during his stay in a prison or other institution. Separate institutions are provided for minors in many countries. Parental responsibility for the child's offense or other anti-social behavior is also acknowledged by many laws.

The humanitarian value of the juvenile courts is recognized throughout the world; and action is continued in many countries for the improvement and expansion of their work.

## SUMMARIES OF LAWS ON JUVENILE COURTS

## ARGENTINA

The first approach towards juvenile courts in the countries south of the United States was made in Argentina with the enactment in 1919 of the law on the protection of minors (Ley de Patronato de Menores). This law orders the appointment of special judges in the capital Buenos Aires and in the National Territories to hear cases of children under 18 years of age who have violated a law or are victims of such violations, or are physically or morally neglected. The regulations for the administration of this law state that its purpose is training and not punishment. Although at first this law was considered an important step forward, its administration in the city of Buenos Aires soon proved inadequate. Also, a movement developed for the enactment of juvenile-court laws in the individual provinces of Argentina.

One of the first to enact such a law was the province of Buenos Aires in 1938. Under that law the court has jurisdiction in the cases of persons less than 18 years of age who are accused of offenses against the law, or are mistreated by their parents, or present behavior problems. The judge of the court is aided in his work by a physician, two probation officers (one of them a woman), and several clerks.

Under the law a probation officer investigates each case, and a physical and mental examination is given the child or young person. If found guilty the child is placed in an institution, which is selected according to the nature of the case. If the child is acquitted, the court may leave him with his parents or place him with another family or in an institution. The parents may be deprived of parental authority.

The proceedings of the court are held behind closed doors. No information about a case may be published in the press.

Parents or guardians guilty of ill-treating or neglecting children in their charge may be sentenced by the juvenile court to fines or imprisonment.

The law directs the children's bureau of the Province of Buenos Aires (Dirección General de Protección a la Infancia) to help in the work of the juvenile courts. The organization of probation work is mentioned among the bureau's duties.

Juvenile-court laws have also been enacted in other provinces of Argentina; they are similar in many respects to that of the Province of Buenos Aires.

Sources: Infancia y Juventud, Buenos Aires, 1939 and 1940; Boletín del Instituto Internacional Americano de Protección a la Infancia, Montevideo, vol. 12, 1939, p. 713.

## AUSTRALIA

In Australia the question of juvenile courts is left to the jurisdiction of the individual States. Laws for the establishment of such courts are in operation in all the six States.

### New South Wales

Juvenile courts, first introduced in New South Wales under the Neglected Children and Juvenile Offenders Act, 1905, are at present regulated by the Child Welfare Act, 1939. Under this law every juvenile court has a special judge with jurisdiction in a prescribed area. In areas lacking juvenile courts the functions of these courts are performed by a specially designated police judge or by two justices of the peace.

The juvenile courts and their judges hear cases of persons under 18 years of age who have violated a law or ordinance, or are uncontrollable, or neglected. The latter category includes children and young people whose home conditions are such as to lead to moral neglect, vice, or crime; who lack proper food, clothing, medical care, or living quarters; who are engaged in street trades without a permit; and who fail to comply with the law on compulsory school attendance.

When a child or young person is arrested he may be detained in a receiving home pending the hearing of his case or during adjournment of the hearing, or he may be permitted to go home with a parent or other person who is willing to undertake his care during such a period.

In disposing of a case the court may admonish the child or young person and discharge him, or it may release him on probation to his own family or another family, or it may send him to an institution, or commit him to the authority of the Minister of Public Instruction who may have him apprenticed, or placed in employment without being apprenticed, or placed in a private family.

A person under 18 charged with a serious crime is usually tried by the regular court. Some cases of this kind, however, may be referred to the juvenile court.

A parent or guardian guilty of contributing to the delinquency of a child or young person may be ordered to pay a fine.

The sessions of a juvenile court must be held in a building or room approved for that purpose; if a court room is so approved the



hearing must take place at a time different from that at which ordinary court business is transacted. The sessions of the juvenile court are closed to persons not directly connected with the case.

Source: New South Wales, Child Welfare Act, 1939.

#### Queensland

Juvenile courts in the State of Queensland are regulated by the Children's Court Act of 1907, amended in 1930, and the State Children's Act of 1911 and its subsequent amendments. In a city or town where a police judge is stationed a juvenile court is constituted by this judge sitting alone. In a place where there is no such judge, two or more justices of the peace may constitute a juvenile court. From time to time the Governor may also select for their experience one or more persons of either sex to be associated with the juvenile court.

According to the 1930 amendment the juvenile court of the district of Brisbane may consist of one judge who may be the Director of the State Children's Department or any other officer in the public service. He may hold the office of judge of juvenile court in addition to the office which he held on the day of his appointment to the court.

The juvenile courts have jurisdiction in proceedings against persons under 17 years of age who are accused of a violation of a law or are physically or morally neglected.

The juvenile court, even if it considers that the charge against a person under 17 has been proved, does not have to convict the person; instead it may admonish him or it may order him or his parents or guardians to pay costs or damages incurred by his offense, or it may discharge him on probation. When a child or young person is convicted the court may take any of the following measures:

1. Commit him to the care of the State Children's Department, which may place him in an institution, foster home, or as an apprentice;
2. Order him to be sent to a reformatory or industrial school for juvenile delinquents;
3. Order the parent to give security for the child's good behavior and upon being satisfied that such security has been given the court may dismiss the charge;
4. Adjourn the case when a near relative undertakes "to punish the child in such reasonable and moderate manner as the court may approve," and upon being satisfied that such punishment has been duly administered the court may dismiss the charge;
5. Release the child or young person on probation.

Imprisonment is prohibited for a child under 17 years of age, except for murder, attempt at murder, manslaughter, or other offenses punishable in the cases of adults with imprisonment and hard labor for life.

The sessions of the court are open only to persons connected with the case; newspaper representatives are excluded, and newspapers are prohibited from publishing reports of cases heard in the juvenile court.

Source: The Public Acts of Queensland (Reprint), 1828-1936, vol. 1, p. 687, and vol. 4, p. 484.

#### South Australia

A law of 1941 provides for the establishment of juvenile courts in South Australia. Any court of summary jurisdiction is considered as a juvenile court if it consists of either a special judge or two judges chosen from a panel of judges who are considered by the authorities as qualified to hear children's cases.

The juvenile courts deal with persons under 18 who are accused of committing a crime or misdemeanor, or are destitute, neglected, uncontrollable or incorrigible, or fail to attend school although required by law to do so.

The first thing the court may do upon the receipt of a case is to order a physical and mental examination of the young person and an investigation of his environment and other circumstances. In disposing of a case the court may commit the young person to an institution other than prison, or it may place him in the custody of the Children's Public Welfare and Relief Board, which may release the young person on probation, or send him to a reformatory or training school, or dismiss the case if the parent promises to take measures for assuring good behavior on the part of the young person. The juvenile court is authorized to remove the young person from unsuitable surroundings and to make proper provision for his education and training. The court must have regard for the young person's general welfare.

No child under the age of 8 years is considered guilty of an offense.

Sentence of death is never pronounced against a person under 18.

The juvenile court must sit in a building separate from the one in which a regular court is sitting. Attendance at the hearing of a case is limited to members and officers of the court, persons connected with the case, and other persons with the court's permission.

Newspaper reports may not reveal the name of a young person under 18 who is involved in a case before the juvenile court.

Source: South Australian Statutes, 1941.

## Tasmania

Provision for juvenile courts was made in Tasmania for the first time under the Children's Act, 1918, which was replaced in 1935 by the Infants' Welfare Act. The latter law authorizes the Governor to establish juvenile courts, each of which is to have one or more judges and one or more probation officers, men or women.

The law gives the juvenile court jurisdiction in the cases of children under 17 years of age accused of offenses against the law and those who are physically or morally neglected or uncontrollable.

Pending the hearing of his case, the child is placed either in a receiving home, or in a private family, or in the family of a married probation officer or married police officer. In serious cases he may be admitted to bail or placed in a jail or police station.

A child under 17 who is not accused of an offense against the law, but is neglected or uncontrollable, may be released on probation or committed to an institution or to the care of the Social Services Department of the State of Tasmania, which either apprentices children or places them in an approved family as foster children or servants. The apprenticing or placing of children is governed by special regulations. The Social Services Department is required by law to exercise supervision over apprenticed children and those placed in families or institutions.

A child under 17 years of age found guilty of an offense against the law may be released on probation, or committed to an institution, or to the care of the Social Services Department; or he may be discharged on bond to appear for judgment when called upon; the child, if 14 years old or over, may also be sentenced to imprisonment for not more than 3 months; or he or his parent may be ordered to pay a fine, damages, or costs, or the parent may be ordered to give security for the child's good behavior, or the child may be sentenced according to the law governing the particular offense. When a child over the age of 14 years has been ordered by the court to pay a fine, damages, or costs, the court may, in default of payment, order the child to be imprisoned for not more than 1 month.

The sessions of the juvenile court must be held in a room separate from that in which the sessions of the regular court are held at the time. Only persons directly concerned with the case are admitted to the court room. No information on the proceedings before a juvenile court may be published, except by the court's permission.

Source: The Acts of the Parliament of Tasmania, 1935, p. 1519.

## Victoria

Juvenile courts, first introduced in Victoria under the Children's Court Act of 1905, are at present regulated by the Children's Court Act of 1928.

Each juvenile court has one or more judges. It has jurisdiction in cases of children less than 17 years of age who are accused of offenses against the law, or are in a state of neglect. Among the latter are included children who lack a settled home or visible means of support, lead a roving life, or associate with thieves, habitual drunkards, or other disreputable persons, and those who have committed a minor offense. Children less than 15 years of age over whom the parents seem to have no control may also be brought to the juvenile court. Children under 7 years of age are not considered responsible under the law.

A neglected child under 17 may be discharged on probation or referred to the Children's Welfare Department. The Department may place him in an institution or suitable foster home; it may apprentice him at some trade or send him to an industrial school or reformatory. Authorized inspectors visit the children who are placed in foster homes or apprenticed.

When a child under 17 is charged with an offense the juvenile court may order any of the measures prescribed for cases of neglect, or, without convicting the child, it may dismiss the case on the condition that the child pay damages or costs of the proceedings, or both. The parent or guardian is ordered to make this payment if he has failed to take proper care of the child. The court may also discharge the child on probation, or commit him to a reformatory. If the child is convicted the court may discharge him on bail on the condition that he appear for sentence or be of good behavior. A term of imprisonment may also be imposed.

Whipping, instead of another penalty or in some cases in addition to the penalty, is permitted by the Children's Court Act of 1928 for boys under 16 guilty of offenses punishable on summary conviction.

The law authorizes the court to appoint one or more probation officers, men or women.

If the court is of the opinion that the parent or guardian has contributed to the child's delinquency, the parent or guardian may be convicted and sentenced to a fine or imprisonment.

The sessions of the juvenile court must be held in a room separate from that in which the regular court is at the time sitting. Persons who, in the opinion of the judge, are not directly connected with the case are excluded from the sessions.

## Western Australia

The first legislative step in Western Australia in the direction of juvenile courts was the State Children's Act of 1907 which authorized the Governor of that State to establish juvenile courts. This law was later amended and in 1927 it was replaced by the Child Welfare Act, 1907-1927, which at present regulates the organization and functioning of these courts.

Under this law the Governor may establish juvenile courts and appoint for each court a special judge and such other persons, men or women, as he considers to be suitable for membership in any particular juvenile court.

The juvenile court is to hear cases of persons under 18 years of age who are accused of having violated a law, or who are neglected, destitute, deserted, habitual truants from school, or who present other behavior problems.

If the court finds that the person under 18 is neglected, destitute or deserted, it may place him on probation or commit him to the care of the Child Welfare Department, which in turn may send the child to an institution other than industrial school, or board him out with a private family, or apprentice him, or place him in service with some person.

A person under 18 found to be uncontrollable or to present other behavior problems may be sent by the court to an institution other than industrial school, or placed on probation; or, if a male child under 16, he may be ordered to be whipped.

If a person under 18 is found guilty of an act punishable in the case of an adult by imprisonment, the court may instead of sentencing the child to imprisonment send him to an industrial school, or release him on probation, or dismiss him if the parent gives a satisfactory guarantee for his good behavior.

In making its decision the court must take into account the young person's physical and mental condition and his circumstances. Instead of imposing a penalty, it may dismiss the case.

The court, in committing a young person to an institution, is ordered by law to keep in view his future welfare and to select an institution providing suitable training and supervision. The director of an institution may apprentice a child or young person to a suitable person for instruction in a trade, or may place him out to reside and board with a relative or other approved person, or may entrust him to any suitable person willing to receive such child for adoption or for service. Every child of school age must be sent to school regularly.

The apprenticing and placing of children is governed by special regulations and subject to supervision by the Child Welfare Department established under this law.

The sessions of the juvenile court must be held in a place approved for that purpose. If a court house is approved, the session must take place at an hour different from that in which the regular court is held. Persons not directly concerned with the case are excluded. No report of the proceedings may be published except with the court's permission.

Source: The Statutes of Western Australia, 1927.

#### AUSTRIA

The first law on juvenile courts in Austria was enacted in 1919. It was superseded in 1928 by a law under which a separate juvenile court was created for the judicial district of Vienna. Outside Vienna the Minister of Justice could either order that all cases of juvenile delinquency be heard by one of the regular courts or he could require the establishment of separate juvenile courts. The law of 1928 prescribes that the judge of the juvenile court must have experience in guardianship work and be familiar with psychiatry, psychology, and educational problems. Two assessors, one a teacher, the other a child-welfare worker, must be appointed. One of the assessors is to be a woman who is to deal with the girls brought to the court.

The juvenile court has jurisdiction in cases of offenses against the law committed by persons between 14 and 18 and in cases of neglect among persons under 18 who are not accused of offenses. A child under 14 and a person between 14 and 18 who has committed an offense but does not understand the nature of his act is not subject to a penalty.

Juvenile offenders may be committed to special institutions, the regime of which includes a general education and vocational training. Suspended sentence, probation, and parole are also among the measures permitted by the law.

If a person under 18 brought before the court is found to be living in an environment detrimental to his health or morals, or if he presents behavior problems or shows the need of attention for other reasons, the court may refer him to the local children's bureau, even if he is accused of an offense against the law. Placement in a foster family was a practice frequently followed by the local children's bureaus prior to the outbreak of the war in 1939. Before making a decision the court is required to consult the local children's bureau.

The use of probation officers is prescribed by law.

According to a statement made in the summer of 1940 by judge Herbert Francke of Berlin, for many years a writer on juvenile courts, the Austrian law of 1928 on juvenile courts remained in force after

Austria was taken over by the Germans in 1938. The same law was still in operation in June 1946.

Sources: Sonderabdruck a.d. Zeitschr. f. Kinderforschung, 48 Band, Heft 6; Bundesgesetzblatt für die Republik Österreich, September 13, 1928, p. 1445 ff. and August 31, 1946, p. 287 ff.; Enzyklopädisches Handbuch des Kinderschutzes und der Jugendfürsorge, Leipzig, 1930, p. 520 ff.

## BALTIC STATES

The three Baltic States--Estonia, Latvia, and Lithuania--which before 1918 were parts of the Russian Empire but in that year became independent, had their own laws on the treatment of juvenile delinquency. In Latvia a special law on juvenile courts was enacted in 1933.

In 1940 these States were incorporated into the Soviet Union. In the same year by a decision of the Supreme Council of the Soviet Union, certain Soviet laws were made applicable to the Baltic States. Among these laws was the Code of Penal Procedure, which contains regulations on dealing with cases of children brought before the courts. Also, under the Constitution of the Soviet Union the laws of that country have equal force throughout its territory.

Source: Sbornik Zakonov SSSR. i Ukazov Prezidiuma Verkhovnogo Sovieta SSSR. za 1938-44, Moscow, 1945.

## BELGIUM

Under the child-welfare law of 1912 a special judge is to be appointed in every court of first instance to deal with:

1. Minors under 16 years of age who have committed a crime or misdemeanor, or who engage in prostitution or debauchery, or make a living from gambling or other occupations exposing them to prostitution, vagrancy, or delinquency;

2. Minors under 18 who are beggars or vagrants, even if not habitual, or who present behavior problems.

Irrespective of the nature of the minor's act, he may be reprimanded by the judge and returned to his parents or guardians, who are ordered by the judge to watch him more carefully; or he may be referred to another family, or to an individual person, a welfare society, or a welfare, or educational, or correctional institution.

If the judge is uncertain as to the physical or mental condition of the minor, he may place him under observation and submit him to an examination by one or more physicians. If it is found that the minor has a physical or mental defect rendering him incapable of controlling his own actions, he is placed in an appropriate institution.

Minors not committed to an institution may be placed on probation until they are of age. The probation officers, men or women, work under the supervision of the judge of the juvenile court.

Source: Pasinomie Belge, Brussels, 1912, p. 249 ff.

### BRAZIL

In Brazil the movement for juvenile courts originated in 1921 when the Government was authorized by Section 3 of the budget law of that year to appoint a judge for hearing cases of juvenile delinquents in the city of Rio de Janeiro, which is in the Federal District. This was followed two years later by a decree creating the Council on Assistance to and Protection of Neglected and Delinquent Children and providing for the establishment of a juvenile court in Rio de Janeiro. The organization and functions of this court were prescribed in detail in the Minors' Code of 1927. According to this Code the juvenile court in Rio de Janeiro, one of the first established in Brazil, has jurisdiction in cases of neglected, waif, and delinquent children under 18 years of age.

A law of 1935, amending the Minors' Code, also requires the judge of the juvenile court to hear cases of violations of all child-welfare laws.

The court has one judge who is assisted by a lawyer, a psychiatrist, and an official acting as public prosecutor. Probation officers and clerks are also employed. The case of every child or young person appearing before the court must be thoroughly investigated. A medical examination and a mental and educational test must be given.

Pending the hearing of his case, the child is placed in a detention home in which he must be kept separately from adults accused of offenses against the law.

The judge may take any of the following measures:

1. Without passing sentence, he may deliver the child to his parents or guardian, first giving a warning to the child;
2. He may order the removal of the child from the parents, and the suspension of their parental authority;



3. He may place the child on probation, leaving him with his parents, guardian, or other suitable person;

4. He may commit the child to an institution for juvenile offenders.

The Minors' Code of 1927 ordered the establishment of cottage-type institutions for children brought before the juvenile court. In 1936, a clinic for physical and mental examinations of such children was established in the city of Rio de Janeiro. Physicians and social workers are employed at the clinic. A report on the results of the examination of each case, together with suggestions for treatment, is sent to the judge who makes the final decision.

In addition to the city of Rio de Janeiro, juvenile courts are functioning in at least eight States of the twenty-eight States and Territories of Brazil.

Sources: Colecção das Leis da República dos Estados Unidos do Brasil de 1927, Rio de Janeiro, Vol. 2, pp. 476-513; Diário Oficial, Rio de Janeiro, June 19, 1935, p. 13185; Estado do Amazonas, Juizado Privativo de Menores de Manaus, Nova Organização de Justiça de Menores, Decreto-Lei No. 143, de 30 de Setembro de 1938. Manaus, 1938, p. 3.

#### BULGARIA

A bill for the creation of juvenile courts in Bulgaria was passed unanimously in 1943 by the Chamber of Deputies of that country.

According to the bill, juvenile courts are to deal with children less than 17 years of age accused of crimes or minor offenses and those who, because of their environment, may show a tendency to delinquency or immorality. A juvenile court is to function as an adjunct of each court of first instance or court of appeals.

The measures prescribed by the bill are mostly of an educational nature. Penalties are permitted only in some cases. The children found guilty of offenses against the law are to be sent to special institutions for young offenders. Provision is made for the appointment of probation officers.

The system is to be put in operation one year after the bill becomes law. This interval is considered necessary to allow sufficient time for setting up the courts and appointing the necessary staff.

The Minister of Justice was authorized to limit the application of the law only to a part of the country during the first 3 years.

Source: Bulletin de l'U.I.S.E. et Revue internationale de l'Enfant, Geneva, No. 1-6, 1944.

## CANADA

In Canada the legislation of 1908 on juvenile courts was superseded by a Dominion law, known as the Juvenile Delinquency Act of 1929. This law, which is still in force, was enacted by the Parliament of the Dominion and prescribes methods for dealing with juvenile delinquency in the entire country.

If a province passes a law providing for the establishment of juvenile courts and of detention homes for children or designating any existing courts as juvenile courts, the Juvenile Delinquency Act of 1929 may be put into effect in that province by a proclamation of the Dominion Government.

To secure the benefits of the Dominion law of 1929 for any specific city, town, or other part of any province in which the provincial legislature had not enacted a province-wide law for the establishment of juvenile courts, but in which there are communities which desire to have a juvenile court, the above law of 1929 may be put in force in any part of the province, by Dominion proclamation. This is done only if the Dominion Government is satisfied that proper facilities for carrying out the provisions of this law have been provided there. In such a case a judge already presiding over a court in that locality may be designated by the Dominion Government as a juvenile court judge.

Under the Juvenile Delinquency Act of 1929 the juvenile court deals with children under 16 years of age who are accused of violating a Dominion or provincial law, or a municipal by-law or ordinance, or who are guilty of sexual immorality or any similar form of vice, or who by reason of any other act are liable to be committed to a reformatory or other institution for children.

The Provincial Governors are authorized to raise the age to 18 years for boys or girls or both, and this has been done in some provinces. The young persons who are judged delinquent may remain under court supervision until the age of 21 years, unless they are discharged earlier by the court.

A child under 16 years of age waiting for a hearing before the court may not be placed in a jail with other prisoners, but must be sent to a detention home used exclusively for children or to another place approved by the judge. A child who is adjudged to have committed a delinquency must be treated not as an offender but as one who requires help, guidance, and proper supervision.

In the case of such a child the court may take one or more of the following measures:

1. Suspend final disposition;

2. Adjourn the hearing of the case from time to time for a definite or indefinite period;
3. Impose a fine;
4. Allow the young person to remain at home on probation, or place him on probation in another family;
5. Commit him to the charge of an approved children's aid society, an industrial school, or an official in charge of public child-welfare work.

If the court finds that the parent or guardian of a child guilty of an offense has contributed to the offense by neglecting to take proper care of the child, the court may fine the parent or guardian instead of the child.

The law prohibits the commitment of a child under 12 years of age to an industrial school unless an effort has been made to reform him in his own home, in a foster home, or in a child-welfare institution, and unless the court finds that the best interests of the child and the welfare of the community require such commitment.

No child under 16 years of age who has violated a law, or is, for any other reason liable to be committed to an industrial school or to a reformatory, may be sentenced to or placed in a penitentiary, jail, police station, or any other place in which adults are or may be imprisoned.

Trials of juvenile delinquents must take place without publicity and separately from the trials of other accused persons. No reports of such trials may be published in the newspapers without the court's special permission.

The law provides for the appointment of citizens' committees to serve without remuneration as "juvenile court committees" and to advise the court on methods of dealing with court cases. Such committees may consist of representatives of the local children's aid society, or, in the absence of such a society, of special citizens appointed by the judge.

The employment of paid probation officers is required by law.

At present juvenile court legislation is in existence in all provinces of Canada.

Sources: Acts of the Parliament of the Dominion of Canada, 1929-45; and Juvenile Courts in Canada, being A Brief Description of Juvenile Court Organization in The Provinces, published by The Canadian Welfare Council, Ottawa 1942, Publication No. 121.

## CEYLON

In Ceylon the Children's and Young Persons' Ordinance of 1939 replaced a similar ordinance of 1937. The more recent ordinance authorizes the Governor to appoint special judges, of either sex, for hearing cases of children less than 16 years of age accused of offenses against a law or those who are orphans, neglected, destitute, or morally endangered, or for other reasons are in need of care or protection. A judge so appointed constitutes a juvenile court.

The cases brought before the juvenile court are investigated by probation officers. In making his decision the judge must take into consideration the special circumstances of each case.

When a child under 16 years of age is found guilty, the court may, after due admonition, discharge the child, or commit him to an institution for juvenile delinquents, entrust him to his parents, guardian, or other suitable person who undertakes to be responsible for his good behavior, for a period not exceeding one year, or to a probation officer or some other suitable person for a period not exceeding three years, or it may discharge him on the condition that he live up to certain duties placed on him by the court. In addition, in the case of a boy, the court may order corporal punishment in the form of not more than six strokes with a light cane or rattan. The court may impose fines on the parents, also.

Imprisonment is prohibited for children under 14; but a child between 14 and 16 may be imprisoned if the court certifies that he is so unruly in character as to be unfit for detention in an institution for juvenile delinquents. No sentence of death may be imposed on a child under 16. A child less than 10 years of age may be sent to an institution for juvenile delinquents only if there is no suitable person to care for him.

A juvenile court must sit in a different building or room from that in which the sittings of the ordinary courts are held.

The hearings before the juvenile court are informal and are open only to persons directly connected with the case and to such persons as are authorized by the court to attend.

No information may be published about a case, except in publications devoted to child welfare, and then the child's name, address, school, or other details permitting his identification must be omitted.

Source: Ceylon Ordinances, 1940, supplement, Vol. 2, No. 4E.

## CHILE

Juvenile courts were introduced in Chile by the child-welfare law of 1928.

The juvenile court consists of one judge who is assisted by a secretary. The jurisdiction of the juvenile court extends to cases of minors less than 20 years of age who are accused of having violated a law or are living under conditions which may lead to waywardness or delinquency.

The judge of the juvenile court may apply one or more of the following measures: he may dismiss a case following a reprimand; or he may place the child on probation, leaving him with his own family or placing him in another family; or he may commit him to an institution. The judge may also deprive of parental authority persons who are physically or mentally incapable of caring for their children.

In addition to Santiago, juvenile courts are in existence in at least two other cities, Puerto Varas and Valparaíso.

Source: Diario Oficial de la República de Chile, Santiago, October 23, 1928.

## COLOMBIA

A law of 1920 provides for the establishment of juvenile courts to hear cases of children between 7 and 17 years who are accused of crimes or misdemeanors; or are physically or morally neglected, or habitual beggars, vagrants, or prostitutes. In addition, the child-welfare law of 1930 gives the juvenile court authority to deal with persons under 18 who have no home or means of livelihood, or whose parents are unable for any reason to give them the necessary care. The Code of Criminal Procedure of 1938 raised to 18 years the age at which young persons accused of crimes or misdemeanors could be brought before the juvenile court. This Code prescribed the establishment of a juvenile court, consisting of one judge, in the capital of each department (territorial division of the country).

Each case brought before the court must be investigated. The investigation includes the child's physical and mental condition, his occupation, his conduct, and his family environment. The court must also ascertain whether or not he is morally neglected. The judge may return the child to his family, or place him with a foster family, or in an institution. Probation is permitted when the child is left with his own family or placed in a foster home. Children less than 14 years of age violating a law are placed on probation. If this is not feasible, they are sent to an institution.

The judge in pronouncing sentence is expected to keep in mind the child's physical and moral welfare.

The sessions of the juvenile court are open only to specified persons connected with the case. The accused young person is not permitted to attend.

Source: José Antonio León Rey, Los Menores ante el Código Penal Colombiano, Bogota, 1939, 208 pp.

#### CZECHOSLOVAKIA

Juvenile courts were functioning in several cities of Czechoslovakia prior to the creation of that country as an independent republic in 1918. Some of these courts were located in the territory which belonged to Austria before 1918; they continued to be regulated by the laws of that country; and the laws of Hungary remained applicable to the courts in the former Hungarian provinces. This situation continued until 1931, when a nation-wide uniform system of juvenile courts was organized by law.

Under this law juvenile courts are special courts hearing cases of offenses committed by children between the ages of 14 and 18. The juvenile court, which may be attached to a district or local court, consists of one or two judges, according to the locality, and one or two assessors, one of whom may be a woman. The judges and assessors must have special qualifications for their positions.

The law requires an investigation of each case coming before the court. This investigation includes the child's personality and his environment; a physical and mental examination may be given. Child-welfare societies help the court in these investigations.

The judge must give careful consideration to each case and must select measures that are most suitable for the child's moral development.

If the child is found guilty the following measures may be taken:

1. The court may remit the penalty. In that case the child may be sent back to his family under specified conditions. The penalty is remitted if the offense is trivial or has been committed through thoughtlessness or on the impulse of the moment, or under the influence of another person, or as a result of poverty or excusable ignorance of the law; the penalty may also be remitted if it would have been a very mild one.

2. Sentence may be suspended for a specified period while the child is left under the supervision of a probation officer with his family or in a foster family or placed in an institution;

3. Detention up to 6 months may be imposed. These sentences are served in separate divisions of the regular prisons, with complete separation of young offenders from the adult inmates; or in special correctional institutions for young persons. During such detention the child must be given work which is expected to be useful to him in his future occupation and the care necessary for his proper physical and mental development.

A child committed to a prison or other institution may be discharged on parole. Before he is so discharged, the board of supervisors of the institution must, upon consulting his parent or guardian, take the necessary steps for assuring that he would receive proper care upon his discharge. To this end the board of supervisors must ask a child welfare society for its cooperation.

Children under 14 accused of offenses against the law are not considered responsible, but measures for their education and training may be ordered. Those of them who are guilty of offenses punishable in cases of adults with the death penalty or life imprisonment must be placed in a correctional institution.

No death penalty or life imprisonment is permitted for children between 14 and 18; instead confinement to an institution, without severe restrictions, for varying terms is prescribed.

The sessions of the juvenile court are held in the building of the ordinary court, but in such a way as to prevent contact between juvenile and adult offenders.

The hearings of the cases must be conducted in private and may be attended only by the child's parents, agents of welfare societies, and lawyers.

Publication of information about a case is prohibited, unless such publication is made in the interest of the case.

Source: Sammlung der Gesetze und Verordnungen des Czechoslovakischen Staates, 1931, pp. 289 and 1073.

#### DENMARK

There are no juvenile courts in Denmark. Juvenile offenders are referred either to the regular courts or to the local child-welfare committees. These committees are official agencies administering legislation on child welfare, including the treatment of delinquency, in accordance with the social welfare law of 1946. This law requires the establishment of a child-welfare committee in every city, except Copenhagen, and prescribes a uniform plan for the organization of these committees. In Copenhagen the law of 1946 is administered by a specially organized commission.

Before 1946, under the social welfare law of 1933, child welfare was administered by subcommittees of the local social welfare committees. The child-welfare committees under the law of 1946 deal with various categories of children. They supervise the care given to children under 14 in foster homes, to children under 7 of illegitimate birth who live with their mothers, and to children under 18 whose parents receive public aid. In the field of delinquency and neglect the child-welfare committees deal with children under 18 who are morally or physically neglected, or are mistreated by their parents or guardians to such an extent that their mental and physical development is endangered; or are truants from school, or present problems of character or behavior, and those who are accused of offenses against the law. Of the children in this last category, all who are under 15 are referred to the child-welfare committees and the following children between 15 and 18: those in whose cases the public prosecutor omits action on the condition that the child is placed under the care of a child-welfare committee, an individual, or an institution; and those for whom the execution of an imposed penalty has been postponed by the court, or the penalty has been entirely or partly remitted.

The child-welfare committee, after an investigation of the case, may leave the child in his home after a warning to him, his parents, or guardian; it may issue special instructions to the parents or guardian for the care of the child; it may appoint a "supervisory guardian," man or woman, salaried or volunteer worker, who under the direction of the committee advises the parents on the care to be given the child and watches his conduct. The child-welfare committee may remove the child from his home and place him with another family or in an institution. Removal from home is ordered by law for children who show a particularly difficult character or serious moral neglect, or are mistreated by their parents, or require special care because of their physical condition or a mental defect.

Several types of institutions intended for the various kinds of cases are mentioned in the child-welfare law of 1946.

Persons under 18 showing a tendency toward crime may be sentenced by the court to imprisonment.

The work of the local child-welfare committees is under the control of the National Child Welfare Board (Landsnaevnet for Borneforsorgen).

Sources: Socialt Tidsskrift, Copenhagen, no. 7, 1946; Børgerlig Straffelov....1930, Copenhagen, second edition, 1935.

#### DOMINICAN REPUBLIC

Juvenile courts were introduced in the Dominican Republic by a law of 1941. These courts have jurisdiction in cases of children less than 18 years of age who are accused of acts punishable by law, or are morally neglected, or present behavior problems.



Under the law a juvenile court is to be established in each judicial district in which a court of appeals is in operation. One of the judges of the court of appeals acts as judge of the juvenile court. He is assisted by a physician and by a teacher who, however, have no voice in his decisions. A secretary is to be attached to each juvenile court.

The court is required to investigate the child's family and his environment in general, and to prosecute parents if they had failed to fulfill their duty towards the child. It may also take any of the following measures:

1. Deliver the child to the parents with an order to enroll the child in a public school and to see that he attends it regularly;
2. Place the child in the care of a suitable person other than his parent, or in an institution for normal children;
3. Commit the child to an educational or correctional institution;
4. Arrange for adoption of the child by a suitable person.

At least one year after sentence had been imposed the child may be placed on parole, during which time he is supervised by the director of the local public institution for children, or by another person; his case may be discontinued if specified conditions are present.

The measures taken by the juvenile courts are considered not as penalties but as measures intended for the children's welfare, reeducation, and moral training. Imprisonment or imposition of a fine on a child under 18 is not permitted.

The parents of children committed by the juvenile courts to correctional or reeducational institutions are required to pay their children's board. Part of these payments is deposited as savings for the child, and the rest is used for improvements in the institution.

The sessions of the juvenile court are held in quarters separate from those of the ordinary court room. Only specified officials and members of the children's families are admitted.

Under an amendment of 1942 young persons 16 to 18 years of age accused of serious violations of the law may be referred by the juvenile court to an ordinary court.

Source: Sócrates Barinas Coiscou, *Delincuencia Infantil y Código del Niño Dominicano*, Ciudad Trujillo, República Dominicana [1944, 42 pp.].

## ECUADOR

The Minors' Code of Ecuador of 1938 provides for the establishment of juvenile courts in that country. Regulations on the functioning of the courts were issued in the following year.

According to the Code a juvenile court is to be organized in the capital of each province and is to consist of three judges, one a teacher, the other a physician, and the third a lawyer; each must be familiar with child-welfare problems.

The court deals with cases of children under 18 years of age who are neglected or mistreated, or who present behavior problems, or who are accused of crimes or misdemeanors. Adults mistreating children or setting bad examples for them, or giving publicity to offenses committed by children are also under the jurisdiction of the juvenile court.

Under the Code a clinic must be attached to the court for the medical examination of the children and the study of their cases. Observation centers must be established at Quito and Guayaquil for the temporary care of children called before the courts. The Code also placed on the Government the duty of considering the establishment of such centers in other cities.

The juvenile court may decide to leave the child with his parents or a guardian, or to place him in an educational or correctional institution. Probation may be ordered in some cases; the probation work is to be done by trained and paid women social workers or by unpaid volunteers.

The juvenile court is also authorized in specific cases to deprive parents of their authority over their children.

The proceedings of the court are closed to the public.

Source: Registro Oficial, Quito, August 12, 1938, and June 8 and 9, 1939.

## FINLAND

Treatment of young offenders in Finland is regulated by laws Nos. 262, 263, and 264 of 1940 on this subject and by the child-welfare law of 1936.

There are no juvenile courts proper in Finland, but one of the laws of 1940 provides that in a lower court, which consists of two or more sections, one of the sections must be devoted to hearing cases of young offenders.

Children under 15 years of age committing punishable offenses are not brought before a court but are referred to the bureaus of public welfare or to the child-welfare divisions of these bureaus, which were established throughout the country under the child-welfare law of 1936. These bureaus deal with persons less than 18 years of age who are destitute, morally or physically neglected, or present behavior problems. In dealing with children who are referred to it, the bureau may decide to leave the child in his family. In addition it may admonish the child or his parents, or give financial aid to the parents so as to enable them to take better care of the child, or appoint a "welfare supervisor" whose functions are similar to those of a probation officer in other countries. The child-welfare bureau may also take the child away from his parents, with or without their consent, and place him in a foster family or institution.

Special treatment is given to persons between the ages of 15 and 21 who are accused of offenses against the law. Their cases are investigated for the court by the local bureau of public welfare. If they are under 18 and are accused of minor offenses, their cases are dismissed by the public prosecutor and are then referred to the bureau of public welfare.

Cases of persons more than 15 years of age who are accused of other than minor offenses are brought before the regular courts. The court may dismiss the case and refer the young person to the bureau of public welfare, or it may place him on probation, which may be entrusted to an individual or the bureau of public welfare. If the young person complies with the terms of his probation for a specified period of time, his case is terminated.

If the court decides to impose a penalty on the young person, an investigation of the case must be made, after which a decision is reached whether the young person is to be committed to an ordinary prison or to a prison for youths. The latter takes place when the court believes that the young person may benefit by the special training in a prison for youths. In these prisons the young persons are taught habits of work and a suitable trade which will enable them to earn their living after discharge. In their spare time they are allowed to earn money and to keep it. Discharge on parole from prisons for youths is permitted. If the young person is less than 18 years of age, he may be placed under the supervision of the local bureau of public welfare.

Young offenders who are in custody pending the disposition of their cases are allowed to wear their own clothes and must be kept separately from adult prisoners. Such separation is also required during the young offenders' transportation to and from the court and, in cases of sentence to ordinary prisons, during the time they serve the sentence. The cases of persons under 18 must be heard behind closed doors and those of persons between 18 and 21 behind closed or "partly closed" doors.

## FRANCE

The first law on juvenile courts in France was enacted in 1912. This law was found to be inadequate to meet the changing problems and was replaced by the decree of February 2, 1945. This decree provides a separate juvenile court in each court of the first instance. Each juvenile court is to be presided over by a "children's judge" selected among the judges of the court of first instance and appointed for three years. The children's judge is to be assisted by two assessors, men or women, active in child-welfare work. The assessors are also appointed for three years. Two substitute assessors must also be attached to the court.

Juvenile courts which handle a large number of cases may have two or more judges. The juvenile court in Paris, which also serves the surrounding territory of the Department of the Seine and to which are referred more than one half of the cases of juvenile delinquency in the whole of France, is to have a presiding judge and a vice-president. Unlike the office of the judge of a juvenile court elsewhere, the tenure of office of a judge in the Paris court is not limited by the present decree; in this way--it has been stated--these judges will be able to acquire more experience in the vital problems connected with juvenile delinquency.

The special methods prescribed by the decree of 1945 for treating juvenile delinquency apply to persons under 18 years of age accused of crimes or misdemeanors. While previously some of these persons were sent to the regular courts to be judged according to the criminal law, the new decree refers them to the juvenile court. Protective, educational, or corrective measures are alone permitted; penalties are applicable only in exceptional cases.

In order to simplify procedure the present decree authorizes the juvenile court to investigate cases of apparently minor offenses. The judge may decide alone in such a case, without referring it to the juvenile court as a whole. During such an investigation the child is to be placed in an observation center instead of a police detention station, as was the custom in the past.

The judge may also order an investigation in any other case. The investigation is to include a study of the child's personality, the record of his school attendance, a physical and psychological examination of him, and information about his family. The investigation is to be made preferably by trained social workers. However, the judge may omit the investigation, or he may order only a partial investigation, if, in his opinion, this would serve the best interests of the child.

Before deciding on a case, the court hears the child, his parents or guardian, other witnesses, the public prosecutor, and the defense attorney. The child may be excused from appearing in court; he is then represented by his father, or mother, or guardian, or a lawyer.

The hearings and discussions at the court are closed to the general public; and their publication in books, the press, motion pictures, the radio, or in any other way is prohibited. Fines are prescribed for violations of this provision. The child himself is asked to withdraw after he is questioned and the witnesses are heard.

If the court decides that the child has committed no punishable act, it dismisses the case. Otherwise it may take any of the following measures:

1. Admonish the child;
2. Return the child to his parents, guardian, or other person who had been caring for him;
3. Place the child with a suitable family or individual, public or private welfare agency, or in an institution, whether educational, medico-educational, or one for vocational training, or for general care.

The court may also refer the child to the public relief authorities whose function it is to provide lodgings, food, and medical care for destitute children, particularly if they are orphans or if their parents are deprived of parental authority.

If the child's physical or mental condition is such as to require observation, the court may order his temporary placement in a special institution for that purpose.

Probation is now given a more important place than formerly. Whereas the law of 1912 made no mention of trained social workers serving as salaried probation officers, the present decree provides for the employment of such workers and for the regulation of their employment. The employment of volunteers, men or women, is still permitted; but experience in child welfare is emphasized. All persons engaged in probation and attached to one court are to work under the direction of a trained probation officer.

In the cases in which the court prescribes protective, educational, or rehabilitation measures, it may order probation as a supplement to be continued not later than the date on which the young person reaches the age of 21.

The probation officer is required to report to the judge the progress of the case, particularly any difficulties that may arise in the young person's conduct, or environment; he may also suggest changes in the care of the child. Lack of proper supervision by a parent or guardian is punishable by a fine.

One year after the child has been removed from his family by court decision, the parents, guardian, or the child himself may ask for his return to the family; the request must be accompanied by evidence of the parents' or guardian's ability to take proper care of the child and of sufficient improvement on the part of the child.

Every person, agency, or institution offering to care regularly for children or young persons in compliance with the present decree must receive permission from the prefect of the department (administrative division of the French territory). Conditions to be specified in a subsequent decree must be met in order to receive this permission.

Two decrees were issued for the administration of this law; one, dated July 1, 1945, orders the appointment of probation officers in each juvenile court; another decree of July 13, 1945, specifies the number of lay assessors to be appointed to the juvenile courts.

The law on juvenile courts became effective on October 1, 1945.

Sources: Journal Officiel de la République Française, February 4, 1945, and Bulletin Législatif Dalloz, No. 15-16, 1945.

#### FRENCH COLONIES

Prior to the outbreak of the war in Europe in 1939, several French overseas territories had laws on juvenile courts.

The French law of 1912, which introduced juvenile courts in France and which was superseded by the law of 1945, was made applicable to Algeria and other French territories in 1935; and the juvenile courts there were given jurisdiction in the cases of children under 18 who had violated a law, who were homeless, or who made a living by immoral means or in an occupation which is prohibited by law.

In 1934 and 1936 laws on juvenile courts were introduced in the colonies of Martinique, Reunion, and Guadeloupe in the West Indies.

The establishment of juvenile courts in Indo-China for dealing with children under 18 who are offenders against the law or present behavior problems was ordered by the Government of France in 1938.

By a law of March 19, 1946, the colonies of Guadeloupe, Martinique, Reunion, and French Guiana became departments of France, and the laws and decrees of Metropolitan France were made applicable to these four territories. This is assumed to be true also of the law of 1945 on juvenile courts. Similar results may be expected to follow the enactment of the new French Constitution, in October 1946, which provides for changes in the status of some overseas possessions of France.

Source: Bulletin Législatif Dalloz, 1934, 1938, and 1946.

## GERMANY

Juvenile courts were established by municipal regulations in several cities of Germany between 1908 and 1922. In 1923 a federal law prescribed a uniform system of juvenile courts for the entire country.

Under the law of 1923 a juvenile court consists of one or more professional judges and a varying number of lay judges. The juvenile courts have jurisdiction in the cases of persons between the ages of 14 and 18 who are accused of acts punishable by law. A child less than 14 years of age committing such an act is not subject to a penalty. The same is true of a person between 14 and 18 who at the time of committing a punishable act is at such a stage of mental and moral development that he is unable to understand the nature of his act or to properly control his will.

When a person between the ages of 14 and 18 is brought before the court, the court must find out whether educational measures for the improvement of the young person's moral training are necessary. If the court finds that this is the case, it informs the local children's bureau, which decides on the measures to be taken. A system of such bureaus, which are official agencies, was established in Germany under the child-welfare law of 1922.

The law enumerates the following educational measures: admonition; placing the young person under the supervision of his parents, guardian, or the school; imposition of particular duties; protective supervision by the local children's bureau, while leaving the young person in his family; removal of the young person from his environment and placing him elsewhere in order to discontinue any possibly harmful influence; and correctional training which is prescribed in cases of serious behavior problems. During training the young person is placed in a foster family or in an institution; in either case under supervision by the local children's bureau. If the court considers that any of the above measures is sufficient, the penalty may be remitted.

Under the law before the court makes a decision it must consult the local children's bureau, except when a delay of action may be against the child's interests; in such a case the local children's bureau must be informed subsequently of the court's decision.

In cases in which any of the previously mentioned educational measures are considered insufficient by the judge, the law imposes a penalty in the form of detention for one month or longer. Special institutions are established for the detention of young persons. Such persons must be kept separately from adult offenders. In minor offenses the penalty may be remitted. In serious cases the penalties are much milder than those for the same offenses committed by adults. A young person may not be sentenced to capital punishment or penal servitude for life. Instead, he may be imprisoned for 1 to 10 years. Instead of imposing sentence the judge may place the young person on probation for a period of 2 to 5 years. Good behavior during probation is followed by a dismissal of the case.

Under the law of 1923 each case brought to a juvenile court must be investigated; the local children's bureau must be asked by the court to take part in the investigation, which also includes a medical examination.

The law requires that cases of juvenile delinquents be heard separately from those of adults and in such a way as to prevent contact between juvenile and adult offenders.

The sessions of the juvenile court are closed to the public; only persons directly connected with the case and representatives of the local children's bureau and other child-welfare agencies are admitted. The parents or guardian of the young person may be heard.

If there is reason to assume that the hearings of the case may have an undesirable effect on the young person, he may be ordered to leave the court room for a time. Upon his return the judge must inform him of the main transactions that took place in his absence.

The 1923 law requires that the local children's bureaus and probation officers employed by these bureaus participate in various phases of the work of the juvenile court.

After the National Socialist (Nazi) Party gained control of Germany in 1933, the methods of dealing with juvenile delinquents became more stringent and approached more closely those used for dealing with adults, although the law of 1923 remained on the statute books. In 1934 special criminal courts were set up for hearing all political cases, including those of persons under 18 years of age. In 1936 the probation work was transferred to the Hitler Youth and to the N. S. Volkswohlfahrt (National-Socialist Public Welfare), which was a branch of the National Socialist Party and in charge of relief work. Both organizations entrusted the probation work to their own members, who, in the great majority of cases, had no social-service training and received no pay for their services.

The educational measures prescribed by the law of 1923 on juvenile courts aroused the opposition of the Nazi leaders, and frequent proposals were made by them for a more extensive use of penalties.

In 1937 the Ministry of the Interior issued regulations providing for special prisons for persons between the ages of 14 and 24 years. In 1939 the use of the previously mentioned lay judges in the juvenile courts was ordered discontinued. In the same year a decree permitted the hearing of cases of persons more than 16 years of age by the regular courts. Also, the courts could order the measures prescribed for adults if the physical and mental development of a young offender was that of a person more than 18 years of age, and if such treatment of the case was made necessary by the "particularly objectionable criminal disposition of the young person, as shown in his act, or by the need for the protection of the people." In 1940 more frequent use of imprisonment was ordered for persons between the ages of 14 and 18 who were guilty of punishable acts.



Important changes in the juvenile court legislation of Germany were made by a law in 1943. This law prescribes treatment of young offenders which is more severe than under the law of 1923. It lowers from 14 years to 12 the age at which a child may be punished under the criminal law. If such punishment is necessary for the protection of the people because of the seriousness of the offense the penalty is a sentence to a "prison for youth" for terms which may vary from 3 months to 10 years.

Whenever a sentence to a prison for youths is not considered necessary, the judge may order "disciplinary measures." These are detention in special institutions or rooms, with a special regime and for periods varying from 1 day to 4 weeks, or imposition of particular duties, including the payment of a fine, or admonition. Instead of penalties or disciplinary measures the court may send the young offender to an institution for treatment or order measures of an educational nature. Among these are: special rules for the child's or young person's conduct, protective supervision by a local child-welfare agency or by an individual, or special training in an institution. Disciplinary measures may be combined with educational measures.

The penalties which are prescribed for adults under the criminal law may, according to the law on juvenile courts of 1943, be applied to persons under 18 whose mental and moral development is such that they could be considered as above the age of 18 and who show particularly reprehensible tendencies. The same penalties are applicable also in cases in which the young offender cannot be considered equal to an adult in point of mental and moral development but his offense shows that he is a "degenerate serious criminal, and that such a penalty is necessary for the protection of the people."

Upon initiation of the proceedings the child's or young person's race, his relations with his family and relatives, his standing in the community, and other circumstances of his life must be investigated. An examination by a physician trained in criminology and biology may also be given.

The duties of probation officers, which by a law of 1923 were placed on trained agents of the official children's bureaus, were assigned by the law of 1943 to members of the Hitler Youth and of the National Socialist People's Welfare Agency.

At the end of World War II in 1945, the Control Council for Germany, which consists of representatives of the United States, Great Britain, France, and the Soviet Union, and which has jurisdiction over the entire country, pending the ratification of the peace treaty, ordered the repeal of the laws on Hitler Youth and other Nazi organizations. As a consequence, these organizations, which had previously participated in the work of the juvenile courts, were dissolved. The law on juvenile courts remained in effect, and the courts continued to function.

In the American zone the Military Government ordered that children under 14 who violate German laws be referred to the local children's bureaus. Persons between 14 and 18 must be referred to the German courts, unless they violate the laws issued by the Military Government, in which case they are tried by the Military Government courts. The American Military Government also directed the children's bureaus to assume responsibility for the various services in connection with the juvenile courts which during the Nazi regime were performed by the Hitler Youth, including investigation of cases brought before the juvenile courts, probation work, and supervision of young persons discharged on parole.

Sources: Reichsgesetzblatt, Berlin, 1923, part 1, p. 135; 1939, part 1, pp. 1658, 1703, and 2000; 1940, part 1, p. 405; and 1943, part 1, p. 637; Soziale Praxis, Berlin, 1937, col. 301-304; Official Gazette of the Control Council for Germany, No. 13, 1946; and Military Government Regulations issued by the Office of the Military Government (U.S. zone) in Germany, 1945.

#### GOLD COAST

Ordinance No. 23 of 1944 authorizes the Governor to establish special courts of summary jurisdiction for dealing with children under 16 who are accused of offenses against the law.

Each juvenile court must consist of not less than three judges, who are appointed by the Governor. The Governor may from time to time make rules for regulating the procedure in juvenile courts.

When the guilt of a child under 16 is proved, the juvenile court may take any of the following measures: dismiss the charge, place the child on probation, commit him to the care of a relative or other fit person, send him to prison or other institution, order whipping in the case of a boy, order the child or his parents to pay a fine, damages, or costs, order the parent or guardian to give security for the child's good behavior, or order any of the measures prescribed by the ordinance of 1928 on the care of children.

A juvenile court making a decision to place into custody a child under 16 for any cause, must whenever possible, in preference to institutional care or imprisonment, commit the child to the care of his parents, guardian, or any fit person who is willing to undertake the care. No child under 14 may be sentenced to imprisonment.

The juvenile court must sit either in a different building or room from that in which sittings of other courts are held or on different days. The sittings of the juvenile court are closed, except to members and

officers of the court, persons directly concerned in the case, and such other persons as the court may allow to be present.

Source: Annual volume of the laws of the Gold Coast containing all legislation enacted during the year 1944.

#### GREAT BRITAIN

Juvenile courts were established in England and Wales under the Children Act of 1908. Many sections of this law were repealed in 1933 with the enactment of the Children and Young Persons Act, which was amended in 1938. A juvenile court consists of one or more judges, depending on the locality. In the larger cities one of the judges must be a woman. Special qualifications are prescribed for the judge of the juvenile court.

The juvenile court deals with persons less than 17 years of age who are accused of offenses against the law; lack parental control; are exposed to moral danger through their associations; have no regular residence or visible means of support; are ill treated, neglected, or victims of offense; fail to comply with the school-attendance law, or present other behavior problems.

An investigation is required in each case and must include the child's or young person's environment, school record, and health.

The juvenile court in dealing with a child or young person who is brought to it as being in need of care or protection or as an offender against the law is required to consider the welfare of the child or young person, to take steps for removing him from undesirable surroundings, and to make suitable provision for his education and training.

Any local authority or officer of a welfare society having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a juvenile court.

According to the nature of the case the judge may take one or more of the following measures:

1. Order the parent or guardian to take proper care of the child or young person;
2. Place the child or young person on probation;
3. Place him with a suitable person who is willing to care for him;
4. Commit him to an institution for education and training.

A child or young person under 17 guilty of an attempt to murder or of manslaughter may be sentenced to detention in a place or on conditions prescribed by specified authorities.

Imprisonment is not permitted for a child under 14 years of age; or penal servitude for a person under 17; or sentence to death for a person under 18.

The juvenile court sits either in a different building, or room, or on a different day from that in which sessions of the other courts are held. Admission to the sessions of the court is prohibited, except to persons directly concerned with the case, representatives of the press, or other persons specially authorized by the court. The juvenile court may prohibit the publication of any information about the cases brought before it.

In Scotland the juvenile courts are regulated by the Children and Young Persons (Scotland) Act, 1937, which specifies the same age limit for cases brought before the juvenile court as the previously mentioned law of 1933 applicable to England and Wales. These two laws are also similar in other aspects.

Source: Great Britain. Public General Acts, 1932-33, Ch. 12; 1936-37, Ch. 37; and 1937-38, Ch. 40.

#### GREECE

A law on juvenile courts was enacted in 1931, but in 1937 it was not yet operating.

The law gives to the juvenile courts jurisdiction over children less than 16 years of age who commit crimes or misdemeanors and those under 18 who are habitual vagrants, beggars, gamblers, prostitutes, or present other behavior problems. An investigation of the young person's history is required; child-welfare societies and the school authorities are expected to cooperate. Medical and psychiatric examinations may be given.

Children under 12 are not considered responsible for their illegal acts. If a child under 16 is found to have committed a crime or misdemeanor without understanding the nature of his act, or if the offense is mild, the judge may merely reprimand the child and return him to his family, or place him with another family, or in an institution, or commit him to the care of a child-welfare society. Children between 12 and 16 accused of committing a crime or misdemeanor with due understanding of their act may be sentenced to detention in a special reformatory for varying periods of time. Mentally defective children must be placed in special institutions. Suspended sentence and release on parole are permitted. A child not committed to an institution may be placed on probation.

The hearings must take place behind closed doors, but the child's parents or guardians, and agents of child-welfare societies are admitted.

According to recent information "a law on juvenile courts became operative in 1944."

Sources: Deutsche Jugendhilfe, Berlin, Vol. 29, 1937-38, p. 106 and Służba Społeczna, Łódź, No. 1-4, 1946.

### GUATEMALA

A law of 1937 orders the establishment of juvenile courts to hear cases of persons under 15 years of age accused of crimes or misdemeanors.

Each juvenile court consists of the judge of the local court of the first instance and of four lay members who are chosen by the Secretary of Justice among the local residents and are considered suitable because of their professional and personal experience.

The juvenile courts are not required to follow the procedure prescribed for other courts. Their function is only to establish the facts needed for the solution of the cases brought before them. All cases considered as serious offenses against the law are to be investigated. A physical and mental examination is to be given.

Persons between 10 and 15 years of age who are morally perverted or who show criminal tendencies are placed in special correctional institutions. In less serious cases the child or young person may be admonished or he may be left with his parents or guardian or placed in a foster home, in either case, under the supervision of the court, or he may be committed to an educational institution.

Persons under 15 whom the court considers it necessary to arrest must not be placed in ordinary prisons. In the absence of a suitable place the young person may be left on bail with his parents or with another family.

A child or young person accused of a misdemeanor is not arrested, but the name of his parent or guardian is ascertained by the proper authorities for the purpose of communicating with them and taking the necessary measures.

The law prohibits the publication of any information relating to cases of juvenile delinquency; violations are punished by fines.

Source: Diario de Centro America, November 18, 1937.

## GUIANA, BRITISH

Under an ordinance issued by the Governor of British Guiana in 1931 charges against children under 16 are heard by ordinary courts, which must sit either in a different building or room from that in which the ordinary sittings of the courts are held, or on different days or at different times; and a court so sitting is called a juvenile court. Such a court has jurisdiction in the cases of children under 16 accused of offenses against the law and children under 14 who are habitual beggars or vagrants, or are neglected by their parents, or whose parents are destitute, criminals, or habitual drunkards, or children whose environment is, for other reasons, harmful to their proper development.

In each case an investigation must be made and must include the child's home environment, school record, and health.

When a charge against a child under 16 is proved, the court may dismiss the charge, or put the child on probation while leaving him with his parents or in the care of some suitable person, or it may impose a fine, damages, or costs on him or his parents, or it may commit him to a reformatory, industrial school, or other place of detention. Whipping may be ordered in the case of a boy.

When a child under 16 is convicted of an offense punishable in the case of an adult with penal servitude or imprisonment, and the court considers that none of the other methods prescribed for dealing with young offenders is suitable, it may order that he be committed to custody in a place of detention for a period not exceeding 6 months. The ordinance of 1931 requires the Government to establish places of detention for juvenile offenders.

Commitment to regular prisons is not permitted in the cases of children under 14; children between 14 and 16 may be imprisoned if no other treatment seems suitable. The children so committed must be kept separately from adult prisoners.

Children under 14 not accused of offenses, but found begging or roaming, or neglected, or those referred to the juvenile court for any other reason may be removed from their homes and placed in the care of some suitable person or in an institution until the age of 16; probation may be ordered in addition.

Sessions of the juvenile court are closed to the public, but newspaper representatives may be admitted. In published accounts of the cases the names of offenders under 16 must be withheld, unless permission to mention them is given by the court. Fines are imposed for violating this rule.

## HONG KONG

In Hong Kong under an ordinance of 1932, which was amended in 1933, charges against children under 16 are heard by ordinary courts which must then sit either in a different building or room or on different days and at different hours from those on which the ordinary sittings of the court are held, and a court so sitting constitutes a juvenile court. The Governor in Council may provide for the establishment of such juvenile courts as may appear to him necessary and for the assigning of a specified territory to each court.

The jurisdiction of the juvenile courts extends to children under 16 who are accused of an offense against the law, and those who are found begging, even if under the pretence of offering articles for sale, or are homeless, orphans, destitute, or living in an environment which may be harmful to their health or morals. Charges of homicide against children under 16 are heard in ordinary courts.

Before deciding on the case of a child accused of an offense against the law the court is required to obtain information on the child's conduct, home environment, school record, and health.

When a child under 16 is found guilty of any offense other than homicide, and the court is satisfied that the charge is proved, the court may dismiss the case, or suspend sentence and place the child on probation, or commit the child to the care of a relative or other suitable person, or send him to an industrial school, reformatory, prison, or other place of detention, or order him or his parent or guardian to pay damages for injury, or compensation for loss. If the offender is a boy the court may order whipping.

No child may be sentenced to imprisonment if any of the above-mentioned measures are found suitable.

Children under 16 sentenced to imprisonment must be kept separately from adult prisoners and must not be allowed to associate with them. No sentence of death may be imposed on a child under 16.

The cases of children who are not accused of having violated a law, but who belong to the other categories over whom the juvenile court has jurisdiction, are also investigated. If the facts on the basis of which a child is brought before the court have been ascertained, the child may be taken away from his parent or guardian, and placed in another home or in an institution, including an industrial school for juvenile offenders or reformatory; probation may be ordered in addition.

The Governor is authorized to appoint persons of either sex as probation officers who are required to visit the children on probation, to supervise their conduct, to assist them with free advice, and when necessary to look for suitable employment for them.

No person other than the members and officers of the court and the parties of the case, their counsel, and others directly concerned in the case may be admitted to the sessions of the juvenile court, except by special permission. Representatives of the press are admitted, unless otherwise ordered by the court.

Source: The Ordinances of Hong Kong, 1932 and 1933.

#### HUNGARY

Juvenile courts were introduced in Hungary by the child-welfare law of 1913. These courts, consisting of one judge each, have jurisdiction in the cases of persons under 18 years of age who have violated a law, those who violated no law but show moral depravity or are in danger of becoming depraved, and those neglected by their parents or guardians. The juvenile court also deals with adults committing punishable acts against the young persons in their charge.

Under the law juvenile courts were to be established in connection with every criminal court and with some other courts. The judge of the juvenile court may be aided by trained probation workers, men or women. An investigation of each case, including a physical and mental examination, is required. The basic principle of the law is not to punish but to correct and to train. Among the measures permitted to the judge of the juvenile court are the following: acquittal, reprimand, probation, imposition of a fine, commitment to a correctional institution, and imprisonment.

No penalty may be imposed on a child under 12 committing an act which is punishable under the law; educational measures alone may be taken.

In cases of moral depravity without violation of a law, the judge may reprimand the child's parents or guardian or the child himself, or place him on probation and impose on him specified conditions as to behavior, school attendance, and employment.

Source: Ungarn, Reichsgesetzsammlung, 1913, p. 87.

#### INDIA

In India legislation on juvenile courts is in force in some of the provinces; for example in the Presidency of Madras, where such courts were created under the Children's Act of 1920, and in the Presidencies of Bengal and Bombay, where they were created under similar laws of 1922 and 1924 respectively.



The Bombay Children's Act of 1924, with its amendments up to April 1, 1942, authorizes the Provincial Government to provide for the establishment of juvenile courts in the entire province. These courts have jurisdiction in the cases of children under 16 accused of offenses punishable with banishment or imprisonment, also of children who are homeless, or lack visible means of subsistence, or have no parent or guardian, or are under the care of a parent or guardian who by reason of criminal tendencies is unfit to care for a child, or children who are otherwise exposed to moral danger.

If no separate court has been established, the court before which a child is brought must, unless the child is tried jointly with a person who is not a child, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different hours.

An investigation of the case must be made before the court makes its decision.

The law mentions the following measures which can be taken in the case of a child found guilty:

1. Discharge after due admonition;
2. Discharge on probation while leaving the child in the care of his parent, guardian, or other suitable person who undertakes to be responsible for his good behavior;
3. Commitment to an institution;
4. Whipping in the case of a boy;
5. Imposition of a fine on the child or his parents or guardian;
6. Imprisonment.

When a child is found to have committed an offense punishable in the case of an older person with banishment or imprisonment the court may order him to be sent to an industrial school or other institution for young offenders. A child who is at least 14 years of age may be sentenced to prison if the court certifies that he is of so unruly or of so depraved a character as to be unfit for confinement in an industrial school or other institution for young offenders. No child may be sentenced to banishment, imprisonment, or death.

The directors of institutions for young offenders may board out in private families children under the age of 8 years sent to the institutions. Older children may be placed out as apprentices.

Publication of the names of children involved in court cases is prohibited under penalty of imprisonment or fine or both.

The juvenile court laws in the other provinces of India are somewhat similar to the law of Bombay.

Source: The Bombay Children Act, 1924, as modified up to April 1, 1942, Bombay, Government Central Press, 1942, 43 pp.

#### IRELAND

Upon the establishment in 1922 of the Irish Free State (which became Ireland under the Constitution of 1937) following its separation from Great Britain, the "Adaptation of Enactments" law was passed in the same year. By this law the legislation, which had been enacted by the Government of Great Britain and which was in effect in the territory of the Irish Free State at the time of its organization, was to continue in force until repealed or amended. In this way the Children Act, 1908, of Great Britain, which also applied with slight changes to the territory that later became the Irish Free State and which provided for the organization of juvenile courts, remained operative in the Irish Free State. (For a summary of this law see section on Northern Ireland.) No new law on juvenile courts was enacted in Ireland between the time of its separation from Great Britain and December 1, 1944.

Sources: Ireland, Public Statutes, 1922; Ireland, A Calendar of the Statute Roll for 22 years, now in force, (1922-1944), Dublin, 1944, 96 pp.; and Acts of the Oireachtas, 1943 and 1944.

#### ITALY

The beginnings of juvenile courts in Italy date from 1929, when the Minister of Justice ordered the appointment of special judges to hear the cases of persons less than 18 years of age. Such judges were appointed at first in the six largest cities--Turin, Milan, Rome, Florence, Naples, and Palermo. It was planned to add other cities later. The Code of Penal Procedure of 1930, while making no specific mention of juvenile courts, did require separate hearings of cases of juvenile offenders under 18. It was not until 1934 that legal provision was made for the setting up of a uniform system of juvenile courts throughout the country. Under a decree of that year, which became law a year later and was amended in 1938, a juvenile court was set up at the seat of each court of appeals or each section of such a court. The juvenile court consists of two judges who have to be trained lawyers and a third person, not a lawyer, but with training in education or other specified social science, and with experience in social-welfare work.

The juvenile courts hear cases of persons less than 18 years of age who are accused of offenses against the law, those who leave their parental home without permission, and those who are reported to the court as presenting other behavior problems. The court must investigate each case before making a decision.

Any of the following measures may be taken by the court:

1. The case may be dismissed, and the young person returned to his parents or guardian with orders to watch his conduct more carefully and to provide for his education; failure to do so is to be punished by a fine;
2. Sentence may be suspended, and the young person may be placed on probation;
3. He may be committed to a reformatory.

Release on parole or transfer to a reformatory, with a less severe regime, are permitted at any time and irrespective of the length of the sentence.

The cases of young offenders are heard behind closed doors; only persons directly connected with the case and representatives of child-welfare agencies are admitted.

The juvenile courts are assisted in their work by the National Bureau for Maternal and Child Welfare, which is the central official agency in charge of child-welfare work. The agents of the Bureau report to the proper authorities the cases of neglected, wayward, and delinquent children and investigate all such cases; they assist with the probation and parole and supervise children and young persons placed in institutions.

The directors of the reformatories must make detailed annual reports to the court about the young persons in their charge, including information about their conduct, school work, attitude towards superiors, and relations with their families and companions. Frequent visits to the young persons by agents of the court are also required by the law. A young person is discharged from the reformatory as soon as the court finds that he is no longer in need of correction, and in any case when he reaches the age of 21. Persons under 18 may be discharged only if satisfactory provision can be made for them in their own family or elsewhere.

Appeals from the decisions of the juvenile courts may be made to specified branches of the courts of appeal. One of the judges in each such branch must have experience similar to that required for appointment to the juvenile court.

The previously mentioned amendment of 1938 calls for the establishment of a center for the re-education of minors at each court of appeal or each branch of such a court. The center, which is to function in the

same building as the juvenile court, is to consist of an observation clinic, an institute for re-education, a reformatory, and a prison for minors. Detailed regulations concerning these centers were issued in 1939.

Sources: Collezione Celerifera delle Leggi, dei Decreti, Circolari, Atti del P.N.F., Norme Corporative, etc., September 10, 1934; Gazzetta Ufficiale, December 3, 1938, and May 29, 1939; and Maternità ed Infanzia, various years.

#### JAPAN

Juvenile courts were established under a law of 1922 which became effective in the following year.

The juvenile courts deal with persons between the ages of 14 and 18 years who have violated provisions of the Penal Code or have shown tendencies to commit such violations; except that cases of serious crimes, for example, those involving the penalty of imprisonment for not less than 3 years or of death, are referred to the ordinary courts. At the request of the governor of a province the juvenile courts may also deal with young offenders less than 14 years of age.

Each juvenile court consists of two or more judges. The functions of a judge of the juvenile court are performed by a judge of an ordinary court who may combine service in both courts. One judge hears the trial.

Probation officers are attached to each court. They are either public officials or private individuals, in either case, appointed because of their special knowledge and experience in dealing with young people. They are to provide information to be used by the judge and participate in the supervision of the cases brought before the court.

In each case the court makes a preliminary investigation and decides whether or not to proceed with the case. If the court proceeds with the case, an investigation must be made of the young person's home environment, character, and degree of education. A physical and mental examination must also be given. The probation officer in his report to the court may suggest protective measures in the case.

Counsel may be appointed for the young person by the court, or, subject to the court's approval, by the young person, his parent or guardian, or a welfare institution.

The sessions of the juvenile court are not open to the public, but relatives, child-welfare workers, and other interested persons may be permitted to attend.

The juvenile court may decide to refer the case to an ordinary court.

The measures that may be taken by the juvenile court can be divided into two categories:

1. Protective measures, such as entrusting the child or young person to a temple, church, welfare institution, or private individual, or committing him to a reformatory, a house of correction, a hospital, or placing him on probation.

2. Imprisonment in a juvenile prison especially constructed for that purpose or in a place set apart in an ordinary prison.

Children under 16 years of age are not liable to capital punishment nor to imprisonment for life. If such penalties are prescribed by law for similar crimes committed by adults, imprisonment for 10-15 years is imposed on children under 16, except in specified cases of homicide.

Indeterminate sentences are usually given to young persons. Parole or full releases are granted under conditions more lenient than in the cases of adults.

The law prohibits reporting in the press, or in any other source of information, of cases of young persons brought before the juvenile court or an ordinary court. Violations of this rule are punished by imprisonment or a fine.

Source: Masatoro Miyoke, An Outline of the Japanese Judiciary, Tokyo, 1935, 78 pp.

#### LUXEMBURG

The child-welfare law of 1939 provides for the appointment of a "children's judge" in each court of first instance. This judge constitutes a juvenile court, and has jurisdiction in proceedings concerning the following categories of children less than 18 years of age:

1. Those accused of violations of law;
2. Truants from school, and those who make a living by gambling, or by occupations which expose them to prostitution, vagrancy, or habitual begging;
3. Those whose parents are unable to control them and ask the court for help.

In minor offenses the child and his parents or guardians are reprimanded and are warned against a repetition of the offense; and the case is dismissed.

In more serious offenses or crimes the judge may reprimand the child and return him to his parents or guardians with an admonition that they exercise better supervision over the child; or the judge may place the child with a private person, or in a public or private welfare institution; or he may place the child at the disposal of the Government for placement in an institution for juvenile offenders. The judge may also order probation under the supervision of a salaried probation officer. The law provides for the appointment of such officers.

In each case an investigation is to be made of the child's physical and mental state and his environment. If conditions are found necessitating treatment, the child is placed in an appropriate institution.

Whenever a child under 18 commits an offense under the criminal law, the person responsible for his care is subject to a fine or imprisonment, or both, if lack of proper supervision had contributed to the child's act.

The law prohibits the publication of records of the hearings before the juvenile court and of the sentences imposed.

Source: *Mémorial du Grand-Duché de Luxembourg*, No. 54, August 12, 1939, Document C.Q.S., P.E., C.I., 178, Legislative and Administrative Series, No. 162, Geneva, 1940.

## MEXICO

The first juvenile court in Mexico was established in Mexico City, under an administrative order issued by the Governor of the Federal District in 1926. A law of 1928 for the prevention of juvenile delinquency in the Federal District also calls for the organization of a juvenile court in Mexico City. The subject of juvenile courts and juvenile delinquency in the Federal District which includes Mexico City, and in the two Federal Territories is also treated in the Code of Criminal Procedure and the Criminal Code of 1931 and its subsequent editions, and in regulations which were issued in 1934.

The entire legislation on juvenile courts in the Federal District and the Federal Territories was amended and codified by a law of 1941. This law calls for the establishment of two juvenile courts in Mexico City with jurisdiction over the Federal District and one court in each Federal Territory. Additional courts may be established when necessary. The juvenile court is to consist of three members, a lawyer, a physician, and a teacher, each of whom must have a diploma certifying that he had received the training for his profession. An appointee to a juvenile court must be a Mexican citizen, at least 30 years of age, of good reputation, and in the full possession of his civic and political rights;

experience in dealing with problems of juvenile delinquency is also required.

The court has jurisdiction in cases of children under 18 accused of offenses. In each case a detailed investigation must be made, including the child's physical and mental condition, his school-attendance record, and his home environment. Treatment depends on whether the child is below the age of 12 or older, and whether or not he is morally neglected. A child less than 12 years of age, if morally neglected, or in danger of such neglect, may be left with his own family or placed with a foster family--in either case under the supervision of a probation officer--or in an educational institution. If he is between 12 and 18 years of age, he may be sent to a correctional institution. The law provides for the separation of children from adult prisoners in such institutions. Release on parole is permitted under specified conditions. A child not morally neglected and who is not in danger of becoming so neglected and does not need special treatment, is admonished by the court or placed under "school arrest," and his parents are given the necessary warning and advice.

Treatment for cases of mental or physical defect, mental illness, alcoholism, epilepsy, or drug addiction is ordered by the law. Suitable work is required of every child committed to an institution.

A system of auxiliary institutions prescribed by the regulations of 1934 was confirmed by the law of 1941. These institutions are to include an observation center, detention homes, and correctional schools. A new addition to these agencies is prescribed by the above-mentioned law of 1941. It is the bureau of special police for children (Departamento de Prevención Tutelar), which is the only agency authorized to arrest children or young persons. The Bureau of Social Welfare (Departamento de Prevención Social), a branch of the Government of the Federal District, is required to see that the court's orders are properly executed.

The establishment of juvenile courts in the 28 States of Mexico, outside the Federal District and the two Federal Territories, is subject to legislation by the individual States, several of which already have such courts.

Sources: Manuel Andrade, *Legislación Penal Mexicana*, México, D. F., 1938; and *Diario Oficial*, México, June 26, 1941, pp. 1-8.

#### THE NETHERLANDS

A law of 1921 ordered the appointment of a special judge in each county court to hear children's cases. His title is children's judge. In the larger cities special training is required of the judges. The children's judges hear the cases of children under the age of 18 who are accused of illegal acts,

or are neglected or mistreated by their parents or whose parents are unfit or unable to bring them up properly.

Each case is to be investigated by probation officers who, on the basis of their findings, make recommendations to the court.

A child guilty of an illegal act may be committed to a detention home or to a private institution, pending the trial. The child may be transferred to an observation clinic if this is found necessary for a better understanding of his physical and mental condition.

In disposing of a case the judge may return the child to his parents without any punishment; reprimand the child; impose a fine on him; place him with a foster family; order probation while leaving the child with his parents or placing him with a foster family; or commit the child to a correctional institution where primary education and instruction in a trade are provided. Release on parole from such an institution is permitted by law. Sentences of imprisonment may be passed on persons over 16.

If it appears that the child suffers from a physical or mental defect that may give rise to difficulties, the children's judge may place him under observation at Government expense for a period of not more than 3 months. This measure is carried out in public or private licensed institutions.

All cases brought before the children's court are heard behind closed doors.

A law of 1929 on prisons, which became effective in 1937, provides special prisons for offenders between 16 and 25 years of age.

Source: Jurisdiction and Protection of Children and Young Persons in the Netherlands, issued by Ministry of Justice [1947].

#### NEWFOUNDLAND

The child-welfare law of December 30, 1944, authorizes the Governor "in Commission" of Newfoundland to establish a juvenile court. The latter is to take the place of the judge in his absence.

The juvenile court is to deal with any child under 17 who violates any provision of the criminal law (except that referring to homicide), or a by-law or ordinance of any municipality, or who is represented as being beyond parental control, or who is guilty of sexual immorality, or who refuses to attend school, although required to do so by law.

A child more than 14 years of age accused of a serious offense may be referred to an ordinary court. An investigation of each case is required by the law.



When a child is found guilty of an offense against the law or belongs to any of the other categories of children over whom the juvenile court has jurisdiction, the court may take one or more of the following measures:

1. Suspend final disposition;
2. Adjourn the hearing or disposition of the case from time to time for a definite or indefinite period;
3. Commit the child to the care or custody of a welfare worker in public service or any other suitable person;
4. Allow the child to remain at his home on probation;
5. Place him in a suitable foster family on probation;
6. Commit him temporarily or permanently to the care of the Director of Child Welfare, who, if he considers it desirable, may place the child in a training school.

The payment of a fine, damages, or costs may also be ordered by the court, but such payment is to be made by the parent or guardian in case he has contributed to the child's delinquency. Imprisonment may not be imposed on any child except in the case of a crime.

Any person, whether or not a parent or guardian, who contributes to the delinquency of a child is liable to a fine or imprisonment, or both. This also applies to a parent or guardian who neglects to take the proper measures for preventing the child's delinquency.

Proceedings under this law, including the trial and disposition of the case, may be as informal as the circumstances permit. The trials must be held in the private office of the judge or in some other private room, separately from the trials of adults. Only persons connected with the case or professional child-welfare workers may be present. No information about the case may be published in newspapers, or other publications, or announced over the radio, except with the permission of the judge of the juvenile court.

The Governor "in Commission" may establish in connection with any juvenile court a detention home for the care of children called before the court, pending the disposition of their cases. The detention home is to be under control and direction of the Director of Child Welfare.

Source: Newfoundland, Welfare of Children Act, 1944.

## NEW ZEALAND

The Child Welfare Act of New Zealand of 1925, as amended in 1927, gives the Governor-General the authority to establish juvenile courts for dealing with children under 17 accused of violations of the law and those who are neglected, indigent, ill-treated or who live in an environment detrimental to their physical or moral well-being. Persons between 17 and 18 may be referred by ordinary courts to the juvenile courts which then deal with such persons as if they were less than 17 years of age. Very serious offenses committed by persons between the ages of 15 and 21 are tried by the ordinary courts.

A juvenile court consists of one or more judges; the Governor-General may also appoint one or more persons of either sex, on the basis of their experience, to be associated with the court, for the purpose of any particular case or class of cases or for all matters that may be dealt with by that court.

The court is not required to convict the child even when the charge has been proved. Instead, the court may take any of the following steps: dismiss the charge against the child, hand him over to his parent or guardian placing him at the same time under the supervision of a child-welfare officer (person charged with the enforcement of child-welfare laws), admonish the child and order his parents to pay costs or damages incurred through the child's offense, refer the child to the Superintendent of the Child Welfare Branch of the Education Department. On the court's order, the Superintendent may become the child's legal guardian. The children committed to the care of the Child Welfare Branch may be placed in institutions, but placement in a foster home, under the supervision of child-welfare officers, is preferred; children presenting special problems are placed in special institutions.

Cases brought before the juvenile court must be investigated by child-welfare officers.

In localities where the juvenile courts are not held in special premises, days and hours must be set apart for hearing cases of juveniles, preferably in a room other than that in which ordinary cases are heard. The proceedings are open only to persons immediately connected with the case, the parents, and representatives of the press, child-welfare agencies or institutions.

Publication of proceedings before juvenile courts or of the name of a child or his parents is prohibited, except by special permission.

Source: New Zealand Statutes, 1925, No. 22 and 1927, Nos. 37 and 61.

## NORTHERN IRELAND

In Northern Ireland juvenile courts are regulated by the Children Act, 1908, of Great Britain. The law was subsequently revised in its application to the latter country, but in Northern Ireland it has remained practically unchanged. There juvenile courts deal with children under 16 who are accused of any offense against the law, except homicide, and those who present behavior problems or are for other reasons "in need of care or protection." These courts also decide on applications for the employment of children under 16.

The juvenile court almost invariably consists of one judge sitting alone.

The law contains no specific directions as to the information that should be supplied to the juvenile courts. In Belfast inquiries are sometimes made by the probation officers, and information is supplied by the school attendance officers.

Arrangements must be made for preventing, so far as practicable, a child under 16 from associating with an adult, other than a relative, charged with an offense, either while the child is detained in a police station or while he is being conveyed to or from court, or is waiting before or after his attendance in court.

The law permits the court to select one or more of the methods prescribed for dealing with children found guilty of an offense. The court may dismiss the charge, or it may discharge the offender and place him under the supervision of a probation officer, or order his parents to pay costs, damages, or a fine, or it may remove him from his family and place him under the care of a relative or other suitable person, or it may commit him to an industrial or reform school.

Whipping in the case of boys is permitted by the law. The child may also be committed to a place other than a prison, approved by the proper authorities for the detention of young offenders. This form of treatment is ordered, however, only when in the opinion of the court none of the other methods is suitable.

Imprisonment is not permitted in the cases of children under 14 years of age. A child between 14 and 16 may be imprisoned if he is so unruly or depraved as to be unsuitable for detention in a place used for juvenile offenders.

Hearings of cases brought before the juvenile court must be held in a different building or room, or at different times from those in which the ordinary hearings are held.

No person other than the members and officers of the court and the parties to the case, their counsel, and other persons concerned in the case are allowed to be present at the hearing, except with the court's permission. Members of the public are excluded, but an exception is

made in the case of representatives of a newspaper or news agency. There is no express provision to prevent the publication of the names and addresses of children or of matter that might lead to their identification.

Sources: Government of Northern Ireland. The Protection and Welfare of the Young and the Treatment of Young Offenders, Belfast, 1938, 240 pp.; Chronological Table and Index of the Statutes in Force in Northern Ireland to December 31, 1943; and Northern Ireland Public General Acts, 1944 and 1945.

#### NORWAY

There are no juvenile courts proper in Norway, but the functions of juvenile courts are performed by welfare councils. Such councils were established in every community in the country under a law of 1896, which was amended in 1907, 1922, 1930, and 1934.

Each welfare council consists of a judge, a clergyman, a physician, and four other persons, men or women.

The welfare councils deal with children less than 18 years of age, who are guilty of a violation of a law; or are ill treated or morally or physically neglected by their parents or guardians; or are truants from school; or present other behavior problems and require special measures because the measures taken in school or at home have failed.

The welfare council may begin action in a case at the request of parents, school authorities, or other public authorities, or on its own initiative.

The hearings before the council are closed to the public.

Before a decision is reached the child's health, home life, and general environment are investigated; and the parents, guardians, or other persons are heard.

The council may leave the child with his parents or guardian after it has admonished him, or on the condition that a bond be posted for his good behavior, or that suitable punishment be administered. The council may remove the child from his family and place him in a foster family if he is not considered as morally neglected. A child who has completed the school course required by the law on school attendance is placed in a family in which he has opportunity to study a trade. A child staying in a foster family is under the supervision of the council, which prescribes the methods of his treatment and training. Emphasis is placed by the council on education, training, and correction rather than on punishment.

A child may also be placed in an institution for dependent children or, if morally neglected, in a correctional institution. After a year's stay in a correctional institution a child may be placed on parole in a foster family. The child is returned to the institution if his behavior is bad or for other reasons. Besides correctional institutions, there are also correctional schools which are intended mainly for school truants.

Children between 14 and 16 committing offenses against the law may be referred to the ordinary courts, but in such cases measures of training may be taken in addition to penalties or instead of them. Children less than 14 years of age committing offenses against the law are not punished, but are referred to the welfare council which takes the necessary educational measures.

Whenever a child is removed from his family the welfare council deprives the parents of their authority over the child.

Source: Deutsche Jugendhilfe, 1937-38, vol. 29, p. 240.

#### PALESTINE

A Government ordinance of 1937, which became effective in 1938, prescribed a special procedure for hearing cases of boys under 16 and girls under 18 who are accused of acts punishable under the law, or boys and girls under 16 who are destitute, or morally or physically neglected, or morally endangered, or present behavior problems. Courts hearing such cases are to be considered as juvenile courts, although they are to hear other cases too. The juvenile court is required whenever possible to sit in a separate building or room, or to sit on days other than those on which the ordinary sittings of the court are held.

The sessions of the court are private and informal. Publication of the name, address, or other information which may lead to the identification of the child is prohibited, except with the court's permission.

An arrested child or young person may be discharged on bail or may be detained pending the hearing of the case.

The High Commissioner is authorized to appoint full-time probation officers of either sex for each district.

In the case of a child or young person found guilty of the offense for which he was brought to court, the judge may dismiss the case, or discharge the offender, at the same time imposing certain restrictions on his behavior, or place him under the supervision of a probation officer or under the care of a relative or other suitable person, or commit him to a reformatory, or order him to be whipped, or order that

a fine be paid by the offender or his parent or guardian. When the offender is over 14 years old he may be sentenced to imprisonment.

A child or young person not accused of any offense but brought before the court by a probation officer or Government welfare inspector because of physical or moral neglect, may be returned to his parents or guardian, or may be placed under the supervision of a probation officer, or in the care of an individual, or committed to an institution.

Source: League of Nations, C.Q.S./P.E./C.I. 102, Legislative and Administrative Series No. 83, Geneva, March 8, 1939, Child Welfare Information Centre, Juvenile Offenders in Palestine.

#### PERU

The Penal Code of Peru of 1924 provides for the establishment of a juvenile court in Lima, capital of that country. Under the Code the court consists of a judge, physician, and secretary. Outside the capital, children's cases are to be heard by specially appointed judges or deputy judges of the regular courts.

The juvenile court has jurisdiction over persons less than 18 years of age accused of crimes or misdemeanors, and those who are morally neglected, morally endangered, or morally perverted, even if they are not accused of unlawful acts.

An investigation of each case is prescribed by the Code. Following the investigation the judge summons the child or young person, his father, mother, or guardian, the representative of the local welfare society, the physician of the juvenile court, and the prosecuting attorney. No other persons are admitted to the sessions of the court.

A child under 13 years of age is not responsible under the law and is not subject to penalties. The treatment of the case of such a child varies in accordance with the presence or absence of moral or physical neglect. If, upon being brought before the court, such a child is found to be physically or morally neglected, he may be placed in a private family or in a public or private institution until the age of 18. If he is not physically or morally neglected or morally endangered, he may be left with his parents, after he and his parents are admonished.

A young person between 13 and 18 years of age guilty of an act punishable in the case of an adult with imprisonment may be committed to an industrial, agricultural, or correctional institution. Suspended sentence and probation are permitted. There are special institutions for more serious cases. After 6 years, release on parole is allowed.

Morally neglected, morally endangered, or morally perverted persons under 18 years of age who are not accused of crimes are to be brought to

the court for the purpose of preventive measures. Among these measures the Code mentions placing the child or young person in a foster home, trade school, agricultural school, or other institution under the supervision of a child-welfare society.

The Code also prescribes the appointment of "inspectors of minors," men or women, whose functions are similar to those of probation officers in other countries.

By a law of 1937 the judge of the juvenile court was assigned the function of presiding over the family council and carrying out its decisions (the family council appoints and discharges guardians in cases of minors and supervises their work).

In 1946 the judge of the juvenile court was also given authority in cases of exploitation of Indian children engaged in domestic service.

Sources: Perú, Código Penal (Ley No. 4868) anotado y concordado..... por el Dr. Juan José Colle...Lima, Editorial Gil., 1924, XXV, 425pp; Revista de Legislación Peruana, 1937; and El Peruano, July 26, 1946.

#### POLAND

Juvenile courts were established in the cities of Warsaw, Lodz, and Lublin, under a Government decree of 1919. This decree was repealed in 1928 by an order of the President of the Republic on the organization of the judiciary system. By this order the Ministry of Justice was authorized to establish special juvenile courts as adjuncts to district courts. Each juvenile court was to consist of one judge who was to be selected by the judges of the district court from their own midst for a period of 3 years. A substitute judge was also to be selected in this way.

The judge of the juvenile court was given jurisdiction in the cases of children less than 17 years of age charged with misdemeanors, habitual begging, vagrancy or prostitution, and those presenting other serious behavior problems. For the purpose of helping the juvenile court, a welfare society was to be organized in each city.

The procedure in the cases of children under 17 accused of illegal acts is prescribed in the Code of Criminal Procedure of 1932, which is still in force at present. Each case is investigated by the "official children's guardian," or a welfare society, or the police, or a private person "worthy of confidence." The purpose of the investigation is to determine the circumstances under which the offense was committed, the degree of the child's mental and moral development, his character, the economic condition of his family, and other factors of his environment. A medical examination may also be ordered by the judge.

After the examination of a case the judge may take any of the following measures:

1. Dismiss the case, if he finds that there is not enough evidence or that the penalty should be remitted for other reasons;
2. Order educational measures; among these are admonition, placing the child under the supervision of parents, a guardian, other private person "worthy of confidence," or of the official "children's guardian;" also commitment of the child to an educational institution;
3. Commit the child to a correctional institution. Discharge from such institution on parole is permitted.
4. Suspend sentence and, instead, place the child on probation.

No penalty may be imposed on a child under 13, nor on one between the ages of 13 and 17 who acted without understanding. To these children the court may apply only the above-mentioned educational measures.

Cases of juvenile offenders are heard behind closed doors, except for the presence of an agent of a child welfare society and two persons related to the child.

In the localities in which no juvenile court has been set up, the cases of juvenile offenders are heard by a regular court, but in accordance with the above described procedure.

Sources: Służba Społeczna, Łódź, No. 1-4, 1946; Dziennik Ustaw, Warsaw, No. 12, 1928; and Kodeks Postępowania Karnego, 1932, published in Warsaw, 1935.

## PORTUGAL

The first juvenile court was established in Lisbon under the child-welfare law of 1911. Subsequently such courts were also set up in Oporto and Coimbra. Known under the name of "tutoria," they combine the functions of the juvenile court and the guardianship council. Outside of the three judicial districts of Lisbon, Oporto, and Coimbra children's cases are heard by the district judges who, in such cases, constitute juvenile courts. All such courts consist of one judge and are to follow a special procedure prescribed by law.

The juvenile courts have jurisdiction over children under 16 accused of a crime or misdemeanor; also over those who are wayward, morally or physically neglected, or ill-treated. Physicians and probation officers assist the court. The motto of the court is "Education and Work." Its



avowed aim is to guide and protect the child in order to prevent the need of punishment. Investigations are made of the cases, and physical and mental examinations are given.

The court may simply reprimand the child, or place him on probation in his own family or in a foster family, or commit him to an educational institution, observation home, reformatory, or correctional colony.

When a child brought to the juvenile court is found to be epileptic, mentally defective, or suffering from some mental illness, the court places him in an appropriate institution for treatment.

The juvenile court may deprive of parental authority persons who have mistreated their children; it may also take other measures against them.

A decree of October 24, 1931, No. 20431, gives the juvenile court parental authority over children born from annulled marriages, children of divorced or separated parents, and children of illegitimate birth recognized by both parents.

A law of 1936 provides for the establishment of special "prison-schools" for young persons over 16 who have violated a law and were sentenced to more than 3 months of imprisonment and for those who are habitual criminals, vagrants, gamblers, beggars, or present other serious problems of behavior.

Sources: Diario do Governo, Lisbon, May 27, 1911, March 10, 1928, and October 24, 1931; and Deutsche Jugendhilfe, Berlin, vol. 29, 1937-38, p. 337.

#### RUMANIA

Juvenile courts in Rumania are regulated by the Code of Criminal Procedure which came into force in 1937 and was amended in 1939. Juvenile courts, consisting of one or more judges, are attached to the ordinary courts.

The appointment of women assessors to serve in the juvenile courts is permitted by law. Such an assessor must be at least 30 years of age and must have 3 years experience as director of a welfare society; she must also be a trained lawyer and a mother of a child born in wedlock.

The juvenile courts deal with persons less than 15 years of age who are accused of violations of the law and those less than 19 years of age who are not accused of such violations but are morally neglected or morally endangered.

Each case must be investigated by the juvenile court which may be assisted by agents of welfare societies. The investigation includes the child's personality, his previous history, and his family circumstances; a physical examination and, if necessary, a mental examination may also be given.

Children under 14 are not considered responsible for illegal acts committed by them. This also applies to young persons between 14 and 19 who are found to have acted without understanding at the time of committing such acts. Such children or young persons may be left with their own family, or placed in a foster home or in an institution; probation may also be ordered. Those of them who are mentally or physically defective or in need of treatment for other reasons are sent to special institutions. If the court finds that a young person had acted with understanding at the time he violated the law, the judge may decide on admonition, probation, simple detention, reformatory training, or imprisonment. Release on parole is permitted.

Children's cases are heard in separate rooms. The public is barred from the hearings, which are open to the child's parents or guardian, their lawyer, the persons supervising the child during the investigation of the case, agents of welfare societies or institutions, and persons invited by the court in the interest of the case. Some of those present may give explanations; others may make suggestions as to the disposition of the case.

Preventive measures may be taken for the improvement of the situation of young persons who have committed no offense but are morally neglected or endangered, or present other serious problems of behavior.

The law also provides for the organization of welfare societies for probation and welfare work with juvenile offenders and for cooperation with other public and private agencies in the prevention and suppression of juvenile delinquency.

Sources: Royaume de Roumanie, Conseil Législatif, Exposé Sommaire des Principales Lois, V. 1939; and League of Nations, Legislative and Administrative Series No. 7, Geneva, February 15, 1937, Child Welfare in Rumania.

#### SOUTH AFRICA, UNION OF

Before 1937 there was no law in the Union of South Africa providing for juvenile courts, but in several cities the cases of offenders under 16 years of age were heard by specially designated judges of the regular courts. Special rules of procedure for such cases were prescribed by the Children's Protection Act of 1913 which was replaced in 1937 by the Children's Act.

The Children's Act of 1937, which was amended in 1944, authorized the Minister of Justice to establish juvenile courts for hearing cases of persons under 19 years of age who are accused of crimes or misdemeanors and those under 19 who are brought before the court because they are destitute, homeless, morally neglected, are leading immoral lives, or present other problems of behavior.

Judges hearing cases of persons under 19 years of age may appoint assessors to sit with them, also assistants for examining the witnesses, and probation officers of either sex.

A person under 19 years of age convicted of a crime or misdemeanor may be placed by the court on probation in the care of a suitable person, or under the supervision of an approved agency, or he may be committed to an institution.

Young persons who are not accused of crimes or misdemeanors but are brought to the court because they are destitute, homeless, are leading immoral lives, or present other problems of behavior may be returned to their parent or guardian, or placed in the custody of a suitable individual, or sent to an institution.

No information about a court case may be published, except by permission of the authorities designated in the law. The sessions of the court are, as a rule, closed to the public.

Source: Statutes of the Union of South Africa, 1937, Act No. 31 and 1944, Act No. 25.

#### THE SOVIET UNION

Juvenile courts were introduced in Czarist Russia in 1908. They were abolished in 1918, a year after the establishment of the Soviet Government, and were replaced by "commissions on minors." These commissions were given authority to deal with children less than 17 years of age who had violated a law. In 1920 this age limit was raised to 18 years. A commission could discharge a child, or it could send him to a social-welfare institution for medical treatment or general training, or refer him to an ordinary court if he was between the ages of 14 and 18. Children under 14 could not be brought to court and were not subject to penalties. The commissions were abolished by a decree of May 31, 1935, and most of their functions were transferred to the courts.

Under regulations of July 21, 1935, a judge sitting in the case of a child less than 16 years of age can dismiss the case or reprimand the child, or give him a suspended sentence leaving him in his own family with or without supervision by a welfare agency, or he can commit the child to a child welfare institution. Special measures for dealing with serious offenses against the law were prescribed on July 7, 1935. By a

law of that date the age of legal responsibility was lowered from 14 to 12 years, and children between 12 and 16 years of age accused of specified acts, among them larceny, attempt at murder, and murder, must be brought before the regular courts for trial under the criminal code. The code prescribes commitment to special institutions with a "work regime" as a penalty for minors whom it is necessary to deprive of freedom, but specifies that minority is an extenuating circumstance.

Efforts to introduce special procedure in cases of young offenders have been made in the Soviet Union several times since 1935. On April 8, 1935, the Supreme Court jointly with the Office of the Procurator of the Soviet Union, which is the Federal law-enforcing agency, ordered that all cases of persons under 18 years of age be referred to specially designated judges of the local courts, that the age of each child be determined as carefully as possible, and that his home environment and school life be investigated. Three months later a follow-up investigation was ordered of the extent to which the special judges had been appointed.

According to the Code of Criminal Procedure of 1943, lay assessors must sit with the judges hearing cases of children under 16. These assessors are selected among school teachers, child-welfare workers, and other persons active in child-welfare work. The cases of children brought before the court must be heard within 5 to 10 days, depending on the locality. Parents or guardians, the principal of the school attended by the child, and representatives of welfare agencies, if any of them had dealings with the child, must be summoned before the court. Each case in the larger cities must be investigated by a qualified person. If irregularities are found in the work of the school, institution, or agency which had contact with the child, the court must report the circumstances to the proper authorities who are required to take the necessary measures for the correction of these irregularities. An attorney or a representative of a social welfare agency must be appointed to defend the child.

The Commissariat of Justice (which in 1946 became the Ministry of Justice) of the Soviet Union ordered on June 19, 1943, that in the capitals of republics comprising the Union, in the administrative centers of the provinces and in large industrial centers cases of children under 16 be heard in special divisions of the people's (lower) courts and that specially qualified judges be selected for that purpose. The Commissariat also ordered that in dealing with a child under 16 accused of a minor offense, the judge may dismiss the case and return the child to his parents or guardian, or commit him to a training institution. The child may be kept there until the age of 16 or 17 years. Children under 14 years of age may be discharged from the institution if they have parents or other near relatives, or a guardian who is willing to take care of them.

The courts are required to cooperate with the local educational, public health, and social welfare authorities, and to exercise caution in the selection of penalties for children under 16. Penalties are

imposed on parents neglecting a child and all adults contributing to the delinquency of minors.

Sources: Sbornik Prikasov Prokuraturi Souiza SSR, edited by B. I. Solers and I. I. Orlov, 1939; Sovietskaiia Iustitzia, Nos. 25 and 29, 1935, Nos. 16, 17-18, and 29, 1936; Sovietskaiia Zakonnost, No. 4, 1939, Ugolovno-Protsessualni Kodeks, 1943; and Ugolovnoe Pravo, Obshchaia Chast, 1943.

## SPAIN

Juvenile courts were first established in Spain under a law of 1918, which was amended in 1925, 1929, and 1931. Another law was enacted in 1940. This law provides for the organization of juvenile courts in the capitals of the provinces in which certain child-welfare institutions are operating. Each court is to consist of a president, vice-president, two assessors and two substitute assessors, all selected among the residents of the province for their fitness for the office. They are to serve part time and without remuneration. In Madrid, however, the court is to consist of one salaried full-time judge. Each juvenile court is also to have a secretary.

The Minister of Justice is authorized by law to establish in the provinces courts with one or two salaried judges, instead of the above-mentioned courts. This is to be done whenever the volume of business becomes too large for the ordinary juvenile court.

The juvenile courts are to deal with the following categories of children under 16:

1. Children accused of crimes, misdemeanors, or violations of provincial or municipal ordinances;
2. Children engaged in prostitution or those presenting other serious problems of behavior;
3. Children who are mistreated or morally neglected, or exposed to moral danger, without belonging to any of the above **two** categories.

The juvenile court also has jurisdiction over persons more than 16 years of age who are accused of punishable acts against children under the age of 16.

The juvenile court may prescribe any of the following measures:

1. Admonition; depriving the child of his liberty for a brief time;

2. Placing the child in the care of another person, or family, or a welfare society;

3. Commitment to a public or private institution for observation, training, or rehabilitation;

4. Commitment to an institution for defective children.

The parents may be deprived of their parental authority. In such a case the child may be placed in the care of an individual, family, child-welfare society, or sent to an institution. In addition to any of these measures a probation officer may be appointed for watching over children who are in private families or in institutions.

The law requires the parents to pay at least part of the board of children placed in foster homes or institutions; the balance is paid from public funds.

Children in whose cases the juvenile court adopts any of the above-mentioned measures remain under the court's jurisdiction until the age of 21.

Source: Boletín Oficial del Estado, December 23, 1940, and January 25, 1941.

#### SWEDEN

There are no juvenile courts in Sweden. Cases of young offenders are referred either to the regular courts or to the child-welfare boards which were established throughout the country under the law of 1924 for the administration of child welfare.

The minimum age of legal responsibility in Sweden is 15 years; offenders who are below that age are not subject to penalties but are referred to the child-welfare boards which take the necessary welfare measures. Cases of young offenders who are between 15 and 18 years of age are heard by the courts, but they may be referred to the child-welfare boards when the public prosecutor decides not to prosecute, or when the execution of an imposed penalty is deferred by the court, or the penalty is entirely or partly remitted.

In matters relating to juvenile delinquency, the child-welfare boards deal with children under 16 who are mistreated, neglected, or accused of offenses against the law, with persons between 16 and 18 who present serious behavior problems or commit minor offenses against the law, and with persons between 18 and 21 who are not accused of offenses against the law but who lead disorderly or immoral lives, or are of vicious character, and are therefore considered to be in need of special correctional measures.

Each case brought before the child-welfare board is investigated. The board may admonish the parents or the child or young person and decide to leave him with his family. The board may remove from their homes those children and young persons who are mistreated or seriously neglected by their parents, or lead disorderly or immoral lives, or are of vicious character.

The treatment of persons removed from their homes varies according to the nature of the case. If a child or young person is of normal character, he may be boarded out with a foster family, after an investigation of the family is made by the child-welfare board and a contract with the family is signed; or he may be placed in an institution for normal children. In either case the board supervises through its agent the care received by the child.

Children or young persons who are of a vicious character may be placed in a foster family, or an institution for normal children, or in any of the special institutions for problem cases.

When a young person is brought before the court his case must be investigated and he must be given a physical examination by a general practitioner and if possible a psychiatric examination.

Cases of young persons under 21 must be heard behind closed doors.

The court may dismiss the case, or it may suspend sentence and place the young person on probation, or it may commit him to a training school or to a prison for youths. Commitment to a training school instead of a prison is permitted under a law of 1937 in the cases of persons between 15 and 18 years of age. A general education and instruction in agriculture or a trade are given in these schools.

Special "prisons for youths" between the ages of 18 and 21 were established under a law of 1935. These prisons are intended for persons guilty of punishable acts, except mild offenses calling for a fine only or serious crimes punished with at least 4 years of imprisonment. A young person is sent to such a prison only if his physical and mental condition and the other circumstances of the case are such that he can be expected to benefit by the education and vocational training provided in these prisons. The confinement lasts from 1 to 4 years. Detailed regulations for the care and treatment of persons sentenced to these prisons were issued in 1938.

Discharge on parole from a training school or prison for youths is permitted, subject to specified conditions of the young person's behavior. At the time of the discharge the child-welfare board must provide the young person with suitable employment and tools if necessary. The board may keep the young person under supervision for at least 2 years after the discharge.

Sources: Sveriges Rikes Lag, utgiven av S. Skarstedt, Stockholm, 1947; and Barnavårdslagen med tillhörande författningar, utgiven av Gunnar Wetterberg, Lund, 1945.

## SWITZERLAND

Prior to 1942 each canton of Switzerland was its own authority in the matter of juvenile courts. As a result there was much diversity in the organization and functioning of these courts in the different cantons. An attempt at uniformity is found in the Federal Penal Code of 1938, which went into effect in the entire country in 1942. This Code prescribes general rules for the treatment of cases of children and young people brought before the court but leaves details to the individual cantons.

The Code permits no penalty for a child under 6 years of age accused of a crime or misdemeanor; special procedure is ordered for children between 6 and 14 and for young persons between 14 and 18 years of age. An investigation of each case, including a physical and mental examination, is required. If a child under 14 accused of a crime or misdemeanor is morally neglected or is of depraved character, he may be placed either in a suitable family, or in an institution; under certain conditions, he may be left with his own family. In any case he must be under the supervision of authorities mentioned in the Code.

Medical care must be given in case of illness or physical or mental defect.

If a child under 14 is not morally neglected and not of depraved character, but is found guilty of the act of which he is accused, he may be reprimanded, or placed under school arrest, or in an institution, or the parent may be asked to punish him. The court may omit the penalty if it finds that appropriate measures have been taken by the parent.

Similar treatment is prescribed for persons between 14 and 18 years of age, except that the institutions are different from those for younger children; also, suspended sentence, probation, release on parole, and fines may be ordered.

For persons between 18 and 21 years of age who are guilty of crimes or misdemeanors the penalties are milder than for adults guilty of the same acts. Whenever committed to an institution these persons are kept separately from adult offenders.

The juvenile courts are aided in their work by the boards of public guardianship and by the official children's bureaus of the cantons. The authorities may also call upon private child-welfare societies to provide the necessary services.

The cantons are directed by the Penal Code of 1938 to appoint existing agencies or to provide for the establishment of new agencies for dealing with children and young persons under this Code.

The regulations for the administration of this Code in the individual cantons must be presented by each canton to the Federal Council



of Switzerland for approval.

Sources: Schweizerisches Strafgesetzbuch 1938; and Pro Juventute, February 1942.

#### TANGANYIKA

Under an ordinance issued by the Government of Tanganyika in 1937 lower courts hearing cases of persons under 16 accused of illegal acts, other than homicide, are called juvenile courts. These courts also deal with persons under 14 who are mistreated or neglected by their parent or guardian, or are homeless or destitute orphans, or habitual beggars, or present other behavior problems.

In each case brought before the juvenile court an investigation must be made of the child's or young person's character and circumstances of life, and a medical examination must be given.

When a person under 16 is found guilty by the juvenile court he may be discharged, or placed on probation with a suitable person, or sent to an institution, or his parents may be ordered to pay a fine. For serious crimes imprisonment is permitted in cases of persons more than 12 years of age; a person between 12 and 16 may not be sentenced to imprisonment unless the court considers that none of the other methods for dealing with the case is suitable.

Source: League of Nations, C.Q.S./P.E./C.T./14, Legislative and Administrative Series No. 16, Geneva, September 1, 1937, Child Welfare Information Centre, Special Courts for Children and Young Persons in Tanganyika.

#### TRINIDAD AND TOBAGO

In the British colony of Trinidad and Tobago the "Children Ordinance" of 1925, as amended in 1936 and 1939, provides that charges against children under 16 must be heard by a judge sitting either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times, and that the judge so sitting constitutes a juvenile court.

The juvenile court hears cases of children under 16 accused of an offense against the law and those of children under 14 who are destitute, neglected, or present problems of behavior. Children in the last three categories are sent to an orphanage. Children under 16 found guilty of an offense against the law may be dealt with in any of the following

ways:

1. The charge may be dismissed;
2. The offender may be placed on probation, or committed to the care of some suitable person, or sent to an industrial school for juvenile offenders, or to an orphanage;
3. The payment of a fine, damages or costs may be ordered;
4. The offender may be sentenced to imprisonment;
5. Whipping is permitted in the cases of boys.

A child under 14 cannot be imprisoned, and a child between 14 and 16 cannot be sentenced to imprisonment with hard labor for any offense, unless he is of depraved character and, therefore, cannot be kept in the regular places of detention for young offenders. If he is sent to prison he must not be allowed to associate with adult prisoners.

No child under 16 may be sentenced to death, but instead he may be detained under specified conditions.

Measures are ordered for preventing children under 16 from coming in contact with adult offenders while the former are being conveyed to or from court or while waiting for the court's decision.

The sessions of the juvenile court are open only to the persons directly concerned with the case, to representatives of the press, and to such other persons as the court may permit.

The publication of the name, address, or other information which would identify a child brought to a court is prohibited, unless special permission is given by the judge.

Source: Laws of Trinidad and Tobago, 1940, vol. 1, ch. 4, No. 21.

#### URUGUAY

The Children's Code of 1934 orders the establishment of a juvenile court in Montevideo for hearing cases of persons under 18 years of age who violate a law and persons under 21 who live under conditions harmful to their physical or mental development or who present behavior problems. Among the latter are included young persons engaged in habitual begging, in street trading or other occupations harmful to health or morals. It is also the function of the judge of the juvenile court to inspect child-welfare institutions, to take measures for the correction of irregularities found there, and to perform other acts for the protection of children just as "if he were a good father of a family."

Outside of Montevideo the functions of the judge of the juvenile court are to be performed by judges of the regular courts.

Every young person brought before the juvenile court must be given a physical and mental examination by a qualified physician who is to report the results to the judge within 48 hours; in case of doubt the physician may keep the young person under observation for two weeks. An investigation of the family circumstances must be made in every case.

In disposing of a case the judge may decide to leave the young person with his parents or guardian, specifying whether or not there is to be supervision by an official inspector or some other individual; or the judge may place the young person in the care of other relatives or of strangers, with or without supervision, or commit him to a public or private institution. The judge may also permit enlistment in the Army or Navy for an indefinite period under the supervision of the National Council of the Child, an official agency which administers the child-welfare laws in Uruguay. Parents may be deprived by the judge of their authority over the child, whose guardianship is then transferred to an individual or agency.

The sessions of the court are closed to the public, but in addition to those directly concerned with the case a social worker and other persons authorized by the judge may be admitted. It is prohibited under penalty of law to publish in the newspapers information about court cases of persons under 18.

Appeals from decisions by the juvenile court may be taken to the Court of Appeals.

Sources: Uruguay, Ministerio de Protección a la Infancia, Código del Niño, Ley promulgada el 6 de Abril de 1934, Edición Oficial, 1934; and Diario Oficial, Montevideo, November 30, 1934.

#### VENEZUELA

Courts for dealing with children and young persons under 18 years of age who are physically and morally neglected, or accused of a crime or misdemeanor, were introduced in Venezuela under the Minors' Code of 1939. The Code ordered the establishment of such courts in the capital of the Republic and other places as may be necessary. The judge of the juvenile court is authorized to appoint advisory committees of physicians, lawyers, educators, and others for the study of cases brought to the court.

A person under 18 years of age who is physically or morally neglected or endangered may be left with his parents or placed in a foster home, in either case with or without special supervision, or in an institution. A person under 18 found guilty of a crime or misdemeanor

may be committed to an institution. Appeal from a decision by the judge of the juvenile court is permitted.

Source: Gaceta Oficial, Caracas, January 11, 1939, p. 120997.

#### YUGOSLAVIA

Before 1929 juvenile courts existed in a few cities in Yugoslavia. The Code of Penal Procedure of 1929 provides for the introduction of a uniform system of juvenile courts throughout that country. This Code calls for setting up in every local court a juvenile court for dealing with persons between 14 and 17 years of age accused of crimes or misdemeanors. The Minister of Justice is also authorized to organize juvenile courts as adjuncts to the district courts. Each juvenile court has one judge.

An investigation of each case is required and is to include the young person's physical and mental condition and his environment.

Both the Code of Penal Procedure of 1929 and the Penal Code enacted in the same year contain measures for dealing with young offenders. A child under 14 committing a punishable act is not subject to prosecution or punishment; he may be turned over to his parents, guardian, or school principal. In case such a child is found to be morally neglected or depraved he may be sent to an institution. A person between 14 and 17 is not subject to punishment if he is unable to understand the nature of his act, and in that case he is treated as if he were a child under 14. If he understands the nature of his act he may be reprimanded, placed on probation, or committed to an educational institution or reformatory for minors. Persons between 17 and 21 years of age are subject to milder punishments than persons 21 and over guilty of similar offenses.

Cases in juvenile courts must be heard in private; but attendance is permitted to the young offender's parents, guardian, teacher, or employer, and sometimes to child-welfare workers. No accounts of cases may be published in the newspapers without the judge's permission.

Source: Sluzhebne Novine, Law Section, Belgrade, Vol. II, 1929, Nos. 16 and 20.

## APPENDIX

## Legislation on Juvenile Courts in the United States

In the United States "Legislation enacted by Massachusetts in the latter part of the nineteenth century was the forerunner of juvenile court legislation. A law passed in 1869 required an agent of the State Department of Charities to be present at the hearing on commitment of a child to a reformatory; another law in 1870 required separate sessions of the court for children's cases; and still later a probation system was established. The first juvenile court law, however, was not passed until 1899 when the Illinois legislation gave circuit and county courts jurisdiction over dependent, neglected, and delinquent children and established a juvenile court for Cook County. In the same year Colorado passed a compulsory education law that, by virtue of the way in which Judge Ben Lindsay administered it, was practically a juvenile court law and that led to legislation formally establishing the Denver juvenile court in 1903. With the passage of the Wyoming juvenile court law in 1945 all the States, Alaska, the District of Columbia, Hawaii, and Puerto Rico had legislation providing either for separate juvenile courts or for specialized jurisdiction and procedure in children's cases in existing courts.

"Federal legislation for special court procedure in children's cases came much later than State legislation. In 1932 Congress provided for the transfer to State authorities willing to receive them of individuals under 21 years who violated Federal laws. The Federal Juvenile Delinquency Act, passed in 1938, brought into the Federal system some of the principles and procedures of State juvenile courts. Applicable to youths charged

with violation of Federal law--exclusive of those whose offenses are punishable by death or life imprisonment--the act embodies some of the principles and authorizes some of the procedures of State juvenile court laws. Proceedings may be for juvenile delinquency rather than a particular offense and initiated on information instead of on grand jury indictment; cases may be heard promptly, privately, and without a jury; and provision is made for detention apart from adult offenders and in a suitable place and for care, education, and training by a public or private agency.

#### Jurisdiction of Juvenile Courts

"Juvenile court jurisdiction covers cases of delinquent and, with a few exceptions, neglected and dependent children. Some States include other types of children's cases such as guardianship, adoption, and commitment of mentally or physically handicapped children. Generally the court's jurisdiction is exclusive and has no limitation placed upon it because of the seriousness of the child's act. In some States, however, the jurisdiction is only concurrent, or must be relinquished entirely, in the cases of children of specified ages whose offenses are of a serious nature. In such cases, many States authorize the judge of the juvenile court to decide whether the court's jurisdiction should be waived to permit the criminal court to deal with the child.

"The age limit of original juvenile court jurisdiction in delinquency cases ranges from under 16 to under 21 years. The majority of jurisdictions (25 States, Alaska, Hawaii, and the District of Columbia) set 18 years as the age limit; 7 States and Puerto Rico set 16 years; 6 States set 17 years; and 4 States set 21 years.....In the remaining 6 States jurisdiction differs

according to sex. Jurisdiction in dependency and neglect cases covers the same age as in delinquency cases except for 5 States in which it is lower than the latter and 1 State in which it is higher.

"The Federal Juvenile Delinquency Act applies to juveniles 17 years of age and under.....

"Early recognition that children's problems are frequently the result of family situations or of unfortunate relations with adults was responsible for the enactment of legislation giving the courts jurisdiction in certain cases of adults. Now nearly all States have enacted legislation making adults criminally liable for causing or tending to cause delinquency or dependency of children. Most of these States give this jurisdiction to the juvenile court.....Additional jurisdiction in adult cases given to the juvenile court by some States includes desertion and non-support, and establishment of paternity.....

"Recent years have seen considerable interest in the improvement of juvenile court laws. Some of these laws have had little revision since their enactment early in the century; some contain much of the terminology and even procedures of the criminal law. Juvenile court legislation is still unstandardized, and in numerous instances defective. Important in this connection is the "Standard Juvenile Court Act" issued by the National Probation Association. In 1923 the Association appointed a committee of judges, lawyers, probation officers and other social workers to draft an act in conformity with the juvenile court standards that had earlier been adopted. The first edition, adopted in 1925, embodied the provisions of various State laws deemed to be most effective. Several revised editions have been issued, the most

recent and most extensive in 1943, which embody principles of child welfare and the treatment of juvenile delinquents developed since the first edition was issued. The Standard Act has been drawn upon extensively by State children's code commissions and others in the preparation or amendment of juvenile court laws, notably in Arizona, the District of Columbia, Indiana, Michigan, Montana, New Jersey, Ohio, Pennsylvania, Rhode Island, Utah, and Wisconsin."

Source: Taken verbatim from article "Juvenile and Domestic Relations Courts" by Alice Scott Nutt, Social Work Year Book, 1947, Russell Sage Foundation, New York, N. Y.









